

13

LETTER

FROM THE

SECRETARY OF THE TREASURY,

IN

REPLY TO A LETTER FROM THE CHAIRMAN
OF THE COMMITTEE,

APPOINTED

ON THE MEMORIAL

OF THE

PRESIDENT AND DIRECTORS OF THE BANK

OF

THE UNITED STATES.

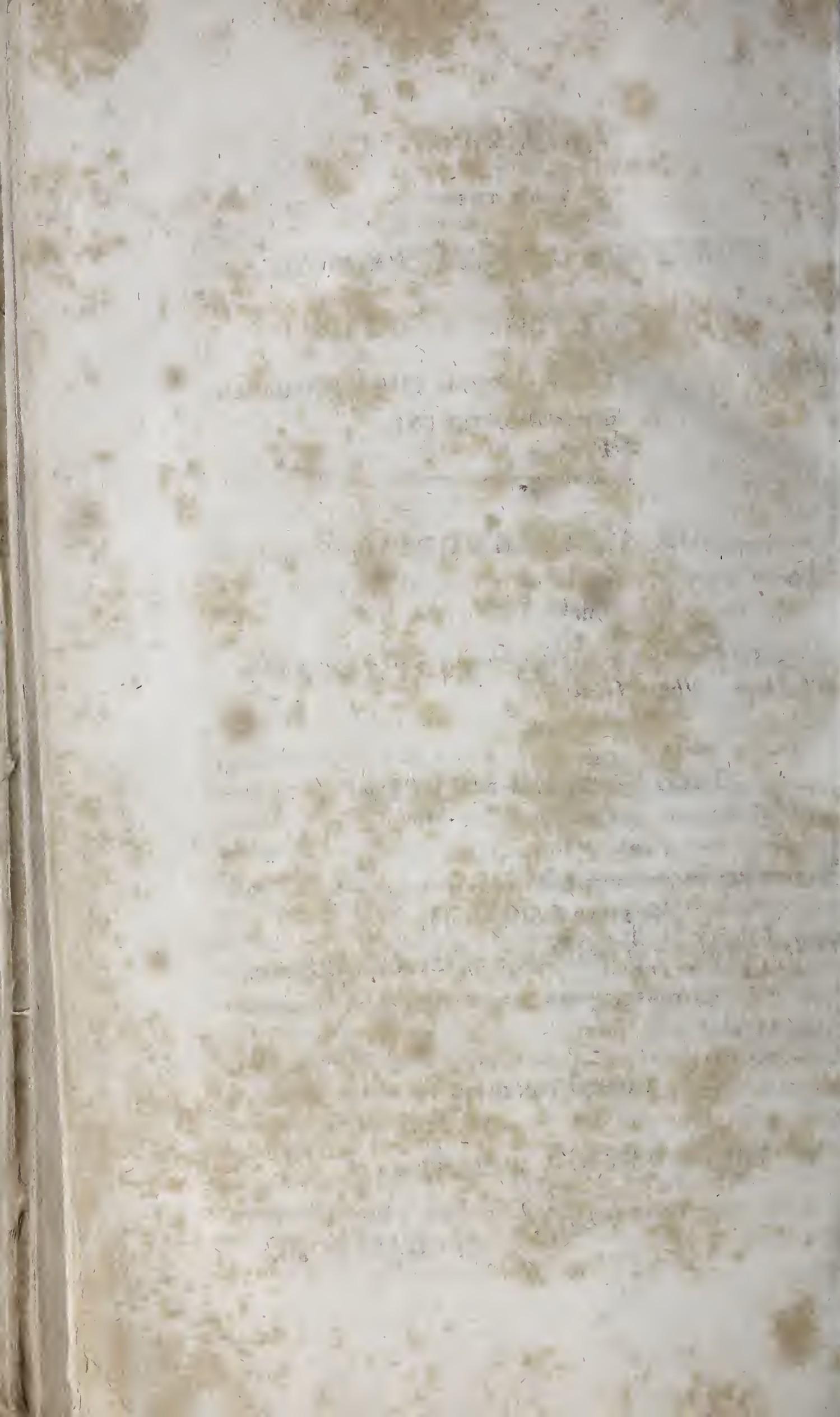
FEBRUARY 5th, 1811.

Printed by order of the Senate of the United States.

WASHINGTON CITY:

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.....
1811.



IN SENATE

or

THE UNITED STATES.

February 5th, 1811.

On motion by Mr. Crawford, the following papers were read, and ordered to be printed for the use of the Senate.

SENATE CHAMBER, 29th JAN. 1811.

The hon. Albert Gallatin,

SIR,

THE committee of the Senate, to whom has been referred the memorial of the president and directors of the Bank of the United States, praying for a renewal of their charter, have directed me to request you to state to the committee, whether, in your opinion, the renewal of the said charter, will not greatly facilitate the collection of the revenue, and promote the public welfare. In complying with this request, it is expected that you will furnish the committee with the facts and reasoning upon which your opinion has been formed; together with such other information upon this subject, as may be in your possession.

I am, sir, respectfully,

Your most obt. and very humble servt.

WM. H. CRAWFORD.

LETTER.

Treasury Department, Jan. 30th, 1811.

SIR,

HAVING already in a report to the Senate of 2d March, 1809, expressed my opinion in favor of a renewal of the charter of the Bank of the United States, an opinion which remains unchanged, I can only add a few explanatory remarks in answer to the inquiries of the committee, as stated in your letter of yesterday.

The banking system is now firmly established, and, in its ramifications, extends to every part of the United States. Under that system, the assistance of banks appears to me necessary for the punctual collection of the revenue, and for the safe keeping and transmission of public monies. That the punctuality of payments is principally due to banks, is a fact generally acknowledged. It is, to a certain degree, enforced by the refusal of credit at the custom house, so long as a former revenue bond actually due remains unpaid. But I think, nevertheless, that in order to ensure that precision in the collection, on which depends a corresponding discharge of the public engagements, it would, if no use was made of banks, be found necessary to abolish altogether the credit now given on the payment of duties: a measure which would affect the commercial capital, and fall heavily on the consumers. That the public monies are safer by being weekly deposited in banks, instead of accumulating in the hands of collectors, is self evident. And their transmission, whenever this may be wanted for the purpose of making payments in other places, than those of collection, cannot, with any convenience be effected on a large scale in an extensive country, except through the medium of banks, or of persons acting as bankers.

The question therefore is, whether a bank incorporated by the United States, or a number of banks incorporated by the several states, be most convenient for those purposes.

State banks may be used, and must in case of a non-renewal of the charter, be used by the treasury. Preparatory arrangements have already been made to that effect ; and it is believed, that the ordinary business will be transacted through their medium, with less convenience, and in some respects with perhaps less safety than at present, but without any insuperable difficulty. The difference with respect to safety, results from the organization of the Bank of the United States, by which it is responsible for the money deposited in any of its branches, whilst each of the state banks which may be employed, will be responsible only for the sums in its own hands. Thus the Bank of the United States is now answerable for the monies collected at New Orleans, and deposited there in its branch, a security which will be lost under a different arrangement. Nor will the United States have any other controul over the manner in which the business of the banks may be conducted, than what may result from the power of withdrawing the public deposits ; and they will lose that which a charter or a dependence on the general government for a charter now gives over the Bank of the United States. The facility of obtaining such accommodations as may at times be wanted, will for the same reason be lessened, and the national power will to that extent be impaired. It may be added, that even for the ordinary business of receiving and transmitting public monies, the use of a state bank may be forbidden by the state, and that loans to the United States are by many of the charters forbidden, without a special permission from the state.

has not, in the view which I have been able to take of the subject, appeared to me to be unconstitutional.

I have the honor to be,

Respectfully,

Sir,

Your obedient servant,

ALBERT GALLATIN.

Hon. Wm. H. Crawford,

Chairman, in Senate.

PROCEEDINGS

OF

A COURT OF INQUIRY,

Convened on board the United States frigate the President, in the harbour of New York, on the thirtieth day of August, 1811, pursuant to the following warrant:

TO STEPHEN DECATUR, ESQUIRE,
A Captain in the navy of the United States.

WHEREAS it doth appear, by a letter from John Rodgers, esquire, a captain in the navy of the United States, and commanding the United States' frigate, the President, to me addressed, bearing date off Sandy Hook, May 23d, 1811, copy of which is hereunto annexed, that on the night of the 16th day of May, 1811; a shot was fired from a vessel of war, called the Little or the Lille Belt, commanded by a certain A. B. Bingham, captain, and belonging to the navy of his Britannick majesty, at the said frigate the President, without any previous provocation or justifiable cause. And whereas the United States are at peace with Great Britain, and wish to maintain the relations of peace inviolate: And whereas this act of captain Bingham's can be considered in no other light than as an act of hostility unprovoked, and an insult offered to the flag of the United States:

Now, therefore, for the more perfect information of the government of the United States in the premises, I do hereby authorize and require you to convene a Court of Inquiry, to consist of yourself as

president, and the members named in the margin,* to hold their sessions at such time and place as may be most suitable and convenient; to call before them all officers and others whose presence may be deemed necessary; to examine minutely into every circumstance stated in the letter of John Rodgers, esq. annexed; to take all the testimony that can in any manner or degree elucidate facts; and to state to me all the facts that shall be disclosed, in order that such proceedings may thereupon be had, as may appear to be right and proper.

Of this court you will appoint Nathan Sanford, esquire, the judge advocate.

(SEAL.)

Given under my hand, and the seal of the navy department of the United States, this 24th day of July, 1811.

(Signed)

PAUL HAMILTON,

Secretary of the navy of the United States.

P R E S E N T,

Commodore Stephen Decatur, President,
Captain Charles Stewart, } Members.
Captain Isaac Chauncey, }

Mr. Sanford being unable, from the bad state of his health, to act as judge advocate, the court, at the request of the secretary of the navy, appointed William Paulding, junior, (adjutant general of the state of New-York) their judge advocate; who, thereupon, administered to the members thereof, the oath prescribed by the articles of war; after which, the

* Charles Stewart, } esquires, captains in the navy of the Uni-
Isaac Chauncey, } ted States.

Nathan Sanford, esquire, judge advocate.

president of the court administered to the judge advocate the oath by the said articles prescribed.

The court having appointed John Heath (lieutenant of marines) their provost marshal, adjourned to meet at the same place to-morrow morning at 11 o'clock.

Saturday, the 31st August, 1811.

The court met pursuant to adjournment.

P R E S E N T,

Commodore Stephen Decatur, president,
Captain Charles Stewart, } members.
Captain Isaac Chauncey, }

The minutes of the proceedings of yesterday were read and approved of by the court.

Charles Ludlow, esquire, was sworn by the court as a witness.

Question by the judge advocate. Were you on board the United States' frigate the President at the time of the action on the evening of the 16th day of May last, between her and his Britannick majesty's ship the Lille or Little Belt?

Answer. Yes.

Question by the judge advocate. What was your station on board of the said frigate the President, at the time of the action aforesaid?

Answer. Acting captain, with the rank of master-commandant.

Question by the judge advocate. When and where did you first discover the Little Belt, and what were the circumstances which occurred from the time you perceived her until the termination of the said action?

Answer. On the 16th day of May last, at meridian, there were discovered from the mast head of the United States' frigate the President, several sail in the east, of which the Little Belt must have been one. We were then in seventeen fathoms water, cape Henry bearing S. W. distant fourteen or fifteen leagues. At half past one p. m. from the deck of the President, we discovered the Little Belt to be a square rigged vessel standing for us under a press of sail; we being then upon a wind standing to the southward and eastward, and the Little Belt bearing about east by south. About five minutes after she settled her royals, and shewed signals, which she kept flying for several minutes, when commodore Rodgers gave orders to hoist the colors and to clear the decks. When the Little Belt hauled down her signals she wore and stood to the southward, and set her larboard top gallant studding sails and upper topsails. About a quarter past 2 p. m. commodore Rodgers ordered to beat to quarters; then we kept the President good full. At 4 o'clock p. m. the wind became very light, the Little Belt then bearing about south south east, thirteen miles from us; when we set our upper stay sails and larboard top gallant studding sails; about this time the Little Belt set her lower studding sails; we were then steering about south. About 5. p. m. we set our larboard lower studding sail, the Little Belt bearing about south south east, a very light air from north north east; we were then going from four to five knots. About 6 p. m. the Little Belt set her starboard top gallant studding sail, and hauled up about a point, steering south. At 7 p. m. or a little after, the Little Belt took in her studding sails, and in or fifteen minutes after she hove too on the starboard tack. At half past 7 p. m. we took in our studding sails, royals and stay sails, at which hour for the first time, I saw colours flying on board the Little Belt, but I could not tell to what nation she be-

longed. At 8 p. m. we hauled the foresail up, and about a quarter of an hour afterwards commodore Rodgers gave me orders to take a position on the weather quarter of the Little Belt, at speaking distance; while we were running down for her she wore several times. At half past 8 p. m. we rounded too on her weather beam, within speaking distance, she then lying with her main topsail to the mast. While rounding too commodore Rodgers hailed the Little Belt, saying "what ship is that?" to which I did not hear any answer. Some moments after the commodore again hailed the Little Belt, saying "what ship is that?" but previously to the second hail commodore Rodgers observed to me the ship was forging too fast ahead. While the commodore was hailing the second time, I was attending to having the jib and mizzen brailed up, and backing the mizzen topsail, and was then standing on the grateings of the after-hatch, looking at the mizzen topsail, with my back to the Little Belt. At the time of the second hail of commodore Rodgers, a gun was fired, but from my position I could not see from which ship the shot was fired, but my impression was, from the report of the gun, and not feeling any jar, that it came from the Little Belt. Immediately after I heard the report of the said gun, and while in the act of ordering the men from the braces to their quarters, I heard some person sing out "she has fired into us," and instantaneously a gun went off from the President's gun deck, the commodore was then standing in the gang-way. The gun from the President was scarcely fired when three guns were fired from the Little Belt, in quick succession, accompanied with musketry. The commodore then gave some orders, the purport of which I did not distinctly hear, but the President then commenced firing. After firing from her about two minutes, I remarked to commodore Rodgers that we were firing too high. The commodore then direct-

ed me to go upon the gun deck and to give orders to fire low and two round shot. After giving the said orders I had time to stay and see one gun pointed and fired, and then returned to the hatchway and repeated the order to fire low, and immediately after was returning to the quarter deck, when I received an order from the commodore by the sailing master, to cease firing, which order was obeyed. I then gave orders to load the guns and run them out, and then repaired to the quarter deck. As soon as I got on the quarter deck the Little Belt recommenced firing, which was returned immediately by the President, and continued a few minutes, when I received an order from Commodore Rodgers to cease firing, as, he said, some accident had happened to the Little Belt, her bow then bearing directly on the President's broadside, and she (the Little Belt) apparently ungovernable. It was at this time that commodore Rodgers remarked that she (the Little Belt) must have received some unfortunate shot at the commencement of the action, or that she must be a vessel of force very inferior to what we had taken her for. About this time I observed the gaff of the Little Belt was down, mizzen topsail yard on the cap, and I believe the main topsail yard also. I did not then perceive any colours flying. I then went forward to have the pumps sounded, when I heard some hailing.

After I had attended to my duty I returned aft, at which time the Little Belt was steering to the southward and eastward, and the President was laying too. About 9 o'clock, p. m. we took in top gallant sail and laid too with the mizzen top sail back, and head to the northward and westward. At this time I received orders to prepare for tacking, when I replied that the main and crogick braces were shot away; the commodore then gave orders to repair damages. About a quarter before eleven o'clock at night, having lost sight of the Little Belt, we wore to the southward

and eastward and filled away, the wind being about northeast, and something fresher than it had been. About forty minutes after midnight, we backed the mizzen topsail and laid too during the remainder of the night. At sun rise we discovered the Little Belt on our lee beam, bearing nearly south south east, distant about eight miles ; we set the foresail and bore up for her ; shortly after our bearing up for her, she took all her sails in except the main topsail, and was employed unbending them. At eight in the morning we hove too under her lee beam, hailed her and sent our boat aboard with lieutenant Creighton.

At his return, at nine o'clock, he reported her to be the British ship of war the Little Belt, commanded by captain Bingham ; we then hoisted our boat up and stood by the wind to the northward and westward, moderate breezes and clear weather.

Question by a member of the court. Have you seen commodore Rodgers' official letter to the secretary of the navy, dated off Sandy Hook on the 23d day of May last, relative to the action with the Little Belt?

Answer. Yes.

Question by a member of the court. Are there any circumstances stated in that letter which you know to be incorrect?

Answer. There are none.

Question by commodore Rodgers. How long do you suppose the firing between the President and Little Belt continued?

Answer. Including the interval, previously mentioned, from fourteen to eighteen minutes.

Question by commodore Rodgers. Was the President at any time during the encounter on fire ?

Answer. Not to my knowledge.

Question by commodore Rodgers. Did the President sheer off, with a view to avoid the Little Belt, at any time during the action ?

Answer. No.

Question by commodore Rodgers. After the Little Belt's fire was silenced, did commodore Rogers appear anxious to prevent further injury being done to her?

Answer. Yes, both times.

Question by commodore Rodgers. Were there any other than round and grape shot fired at the Little Belt?

Answer. There were none other fired: we had no other than round and grape shot on deck.

Question by commodore Rodgers. In the position the two ships were at the time commodore Rodgers gave orders the second time to cease firing, what would, in your opinion, have been the effect of another broad side from the President?

Answer. More injurious than any the Little Belt had received; probably it would have sunk her.

The court adjourned to meet again, at the same place, on Monday at eleven o'clock in the forenoon of that day.

Monday, the 2d September, 1811.

The court met pursuant to adjournment.

PRESENT,

Commodore Stephen Decatur, president,

Captain Charles Stewart, }
Captain Isaac Chauncey, } members.

The proceedings of Saturday were read and approved of by the court.

JOHN ORD CREIGHTON, esquire, was produced and sworn as a witness.

Question. Were you on board the United States' frigate the President, during the engagement, on the

night of the 16th day of May last, with his Britannick majesty's ship the Lille or Little Belt?

Answer. Yes.

Question. Do you hold any and what post on board the said frigate the President?

Answer. Yes, first lieutenant.

Question. Where were you quartered on board the President, the night of the action?

Answer. At the fourth division on the upper deck.

Question. At what time did you discover the Little Belt, and how did she bear?

Answer. At half past one p. m. on the day of the action, I discovered the Little Belt, she then bearing three or four points on our weather bow.

Question. At what time did you discover the Little Belt to be a man of war, and how were both ships steering at that time?

Answer. At half past one p. m. on the day of the action, I was under the impression the Little Belt was a man of war; we were upon a wind standing to the southward and eastward, and she before the wind standing for us.

Question. At what time did the frigate, the President, display her colours, and when did the Little Belt shew her colours?

Answer. At two o'clock p. m. when I came up from the gun deck, I saw the colours of the President flying, but I did not observe any colours flying on the Little Belt then, or at any time during the chase.

Question. At what time did the President come within hailing distance of the Little Belt?

Answer. About half past eight p. m.

Question. Was the first hail from the President or Little Belt?

Answer. From the President.

Question. Was that hail answered?

Answer. Yes, the commodore hailed ship ahoy;

the answer from the Little Belt was halloo ; after which commodore Rodgers asked " what ship is that ? " and the same question of " what ship is that ? " was immediately repeated from the Little Belt. Commodore Rodgers again asked, " what ship is that, I say," to which no answer was given, but I immediately heard the report of a gun, but did not see from which ship it proceeded ; but from not feeling any jar, my belief is it came from the Little Belt.

Question. Were you observing the Little Belt at the time you heard the report of the said gun ?

Answer. I was not.

Question. At the time you heard the report of the said gun, had any gun been fired from the division you then commanded, or had any provocation been given by commodore Rodgers to the commander of the Little Belt ?

Answer. No gun had then been fired from my division, neither had any provocation been given by commodore Rodgers to the captain of the Little Belt.

Question. During the chase of the Little Belt, or at any time previous to your coming up with her, what were the orders given by commodore Rodgers in respect to firing ?

Answer. The commodore called me to him and directed me to see the locks of the guns of the fourth division half cocked, and the aprons laid on, and remarked to me that he would not, for any consideration, have accidents happen, and ordered me not to fire on the chase unless she fired on us, or I received orders to that effect from him.

Question. Did you receive any orders from commodore Rodgers, to fire previously to the Little Belt having fired at the President ?

Answer. It was not until after the Little Belt had discharged her broadside at the President, that I received orders from commodore Rodgers to fire.

Question. Were the guns of the Little Belt silenced, and how soon, after you received the above orders to fire?

Answer. The guns of the Little Belt were silenced in about five minutes from that time.

Question. After the fire of the Little Belt was silenced, did commodore Rodgers appear anxious to prevent further injury being done to her?

Answer. Yes, the commodore made use of every exertion on the occasion to prevent further injury to the Little Belt, and went himself to some of the guns on the quarter deck and ordered the captains of them to cease firing.

Question. Did the fire of the President then cease, and did the Little Belt afterwards recommence firing, and how soon?

Answer. The President then ceased firing, and in about three minutes after the Little Belt recommenced firing, and immediately the President renewed her fire, which lasted about five minutes, when the fire of the Little Belt was completely silenced ; and I then heard an officer of the President, I think it was lieutenant Perry, say, somebody is hailing from the other ship, saying that their colours were down and that they were in great distress.

Question. As soon as the Little Belt was a second time silenced did commodore Rodgers use every exertion to prevent further injury to her?

Answer. Yes, sir.

Question. At the time you heard the report of the first gun, did you hear any persons on board the President sing out she has fired into us?

Answer. I heard several persons say "she has fired into us," meaning the Little Belt.

Question. Did you board the Little Belt the morning after the action?

Answer. Yes.

Question. Did captain Bingham inform you he took the President for a French ship?

Answer. He did.

Question. What message were you charged with from commodore Rodgers to captain Bingham, when you boarded the Little Belt the morning after the action?

Answer. Commodore Rodgers ordered me to go on board the Little Belt to ascertain the name of the ship and her commander, and to express his deep regret at what had taken place, and to say he regretted that the Little Belt had fired first; that had he known her force he would even have received a shot without returning it.

Question. Have you seen commodore Rodgers' official letter to the secretary of the navy, dated off Sandy Hook, on the 23d day of May last, relative to the action with the Little Belt?

Answer. Yes.

Question. Are there any circumstances in that letter which you know to be incorrect?

Answer. I know of none.

Question by commodore Rodgers. Was the President on fire at any time during the encounter with the Little Belt?

Answer. She was not.

Question by commodore Rodgers. Did the President sheer off with a view to avoid the Little Belt, at any time during the action?

Answer. Certainly not.

Question by commodore Rodgers. Were there any other than round and grape shot fired at the Little Belt?

Answer. Not to my knowledge; from the fourth division which I commanded there were none other fired; there were none other than round and grape shot on either deck.

Question by commodore Rodgers. In the position the two ships were at the time commodore Rodgers gave orders the second time to cease firing, what would, in your opinion, have been the effect of another broadside from the President?

Answer. It is more than probable it would have sunk the Little Belt.

Question by commodore Rodgers. When you delivered commodore Rodgers' message to captain Bingham, did he ask you why the President had fired at all?

Answer. No, he asked me no question of that kind.

CAPTAIN HENRY CALDWELL, was produced to the court and sworn as a witness.

Question. Were you on board the United States' frigate President during the engagement, on the night of the 16th day of May last, with the Little Belt?

Answer. I was.

Question. What is your station on board the President?

Answer. Commandant of marines.

Question. When the President had arrived within hailing distance of the Little Belt, did commodore Rodgers hail her first?

Answer. Yes.

Question. What answer did commodore Rodgers receive from the Little Belt?

Answer. I indistinctly heard a voice from the Little Belt, but I could not tell whether it was an answer to the commodore's hail, or whether the Little Belt hailed in return.

Question. Were you in a position to observe the Little Belt at the time the first gun was fired?

Answer. I was; I was looking directly at the Little Belt through the starboard gangway.

Question. From which ship was the first gun fired?

Answer. From the Little Belt; I saw the flash of her gun, and immediately heard the report; commodore Rodgers turning round to me asked what the devil was that? and I replied, she has fired into us.

Question. Did commodore Rodgers hail the Little Belt a second time, and was it then, and before he received any answer from her, that she fired into the President?

Answer. The commodore hailed a second time and received no answer; but before he had time to take the trumpet from his mouth the Little Belt fired into the President.

Question. At this time had commodore Rodgers given any provocation to the commander of the Little Belt?

Answer. None whatever.

Question. What were commodore Rodgers' orders on board the President, before coming up with the Little Belt?

Answer. His orders were not to fire unless fired into; as we were not to be the aggressor on any account.

Question. At what time did the men under your command commence firing at the Little Belt?

Answer. Not until the President had received a second broadside from the Little Belt.

Question. After the President opened her fire upon the Little Belt, was the latter ship silenced, and how soon?

Answer. She was silenced I think in four or five minutes.

Question. When the Little Belt was silenced did commodore Rodgers appear anxious to prevent further injury being done to her?

Answer. He appeared very anxious to prevent further injury to the Little Belt, and gave immediate orders to cease firing.

Question. Did the President cease firing; and did the Little Belt afterwards renew her fire at the President, and how soon?

Answer. The President ceased firing; and the Little Belt in about two minutes renewed the action.

Question. Was the President's fire then renewed, and how long did it continue before the fire of the Little Belt was completely silenced?

Answer. The fire of the President was renewed, and continued about six or seven minutes before the guns of the Little Belt were completely silenced.

Question. When the fire of the Little Belt was a second time silenced, did commodore Rodgers make every exertion to prevent further injury being done to her?

Answer. He did.

Question. Have you seen commodore Rodgers' official letter to the secretary of the navy, dated off Sandy Hook, on the 23d day of May last, relative to the action with the Little Belt?

Answer. I have.

Question. Are there any circumstances stated in that letter which you know to be incorrect?

Answer. None at all.

Question by commodore Rodgers. Was the President at any time on fire during the action?

Answer. She was not.

Question by commodore Rodgers. Did the President sheer off, with a view to avoid the Little Belt, at any time during the action?

Answer. No.

The court adjourned to meet at the same place tomorrow morning at eleven o'clock.

Tuesday, the 3d of September, 1811.

The court met pursuant to adjournment.

PRESENT,

Commodore Stephen Decatur, president,
Captain Charles Stewart, } members.
Captain Isaac Chauncey, } members.

The proceedings of the court of yesterday, were read and approved.

RAYMOND H. J. PERRY, was produced and sworn as a witness.

Question. Were you on board the United States frigate the President during the engagement, on the night of the 16th day of May last, with his Britannick majesty's ship the Little Belt?

Answer. I was, sir.

Question. Do you hold any and what station on board the United States frigate the President?

Answer. I hold the station of junior lieutenant and signal officer.

Question. At what time were the colours hoisted on board the President?

Answer. About a quarter before two p. m. on the day of the action.

Question. Were the colours of the President kept flying until she arrived along side of the Little Belt?

Answer. They were.

Question. On the day of said action, where were you quartered on board the frigate President?

Answer. On the quarter deck.

Question. Were you standing near commodore Rodgers when he first hailed the Little Belt?

Answer. I was standing at his elbow.

Question. Had the Little Belt then hailed the President?

Answer. I did not hear the Little Belt hail the President.

Question. When commodore Rodgers hailed the Little Belt, was there any reply from her; and, if any, what was the nature of it?

Answer. I did not hear any reply.

Question. Was sufficient time given by commodore Rodgers for the Little Belt to have answered his hail?

Answer. There was sufficient time given in my opinion.

Question. Did commodore Rodgers hail the Little Belt a second time ; and, if so, how soon ?

Answer. He in a few minutes hailed the Little Belt again.

Question. Did the commodore receive any answer to his second hail ; and, if so, what was its purport ?

Answer. I heard no reply from the Little Belt.

Question. At the time of commodore Rodgers' second hailing, did you hear the report of a gun ?

Answer. I did.

Question. Were you in a position to observe the Little Belt, at the time the said gun was fired ?

Answer. I was : I was standing looking out of the gang-way at the Little Belt.

Question. Was the said gun fired from the Little Belt ?

Answer. It was ; I saw the flash and heard the report.

Question. At this time, had any gun been fired from the President, or any provocation whatever been given by the commodore to the captain of the Little Belt ?

Answer. No gun had at this time been fired by the President ; and I know not of any provocation having been given, by the commodore, to the captain of the Little Belt.

Question. After the President opened her fire upon the Little Belt, was the latter ship silenced.... and how soon ?

Answer. The Little Belt was silenced, to the best of my recollection, in five or six minutes.

Question. When the fire of the Little Belt was silenced, did the commodore appear anxious to prevent further injury being done to her ?

Answer. He did appear very much so ; orders to

that effect were passed from him to every division of guns.

Question. Did the fire of the President thereupon cease; and did the Little Belt renew her fire....and in what time?

Answer. The fire of the President ceased as soon as the orders were received; and in about two minutes after, the fire of the Little Belt was renewed.

Question. Did the President then recommence her fire; and was the Little Belt again silenced....and how soon?

Answer. The President then recommenced her fire, and in about six minutes afterwards the guns of the Little Belt were silenced.

Question. When the fire of the Little Belt was silenced a second time, did commodore Rodgers make every exertion to prevent further injury being done to her?

Answer. He did, sir.

Question. Have you seen commodore Rodgers' official letter to the secretary of the navy, dated off Sandy Hook on the 23d day of May last, relative to the action with the Little Belt?

Answer. I have.

Question. Are there any circumstances stated in that letter which you know to be incorrect?

Answer. I know of none.

Question by commodore Rodgers. Was the President, at any time during the encounter, on fire?

Answer. No.

Question by commodore Rodgers. Did the President sheer off, with a view to avoid the Little Belt, at any time during the action?

Answer. No.

Question by commodore Rodgers. In the position the two ships were at the time I gave orders, a second time, to cease firing, what would, in your opinion, have been the effect of another broadside from the president?

Answer. Utter destruction to the Little Belt.

Question by commodore Rodgers. At the time I gave orders to stop the fire of the President, the second time, did you hear a hail from the Little Belt saying, "her colors are down"?

Answer. I heard three or four hauls at that time from the Little Belt, which I understood to that effect, and so reported them to the commodore.

Question by commodore Rodgers. Has it been the invariable practice on board the President, as well as the usage of the service, to prepare for action before going along side of a strange vessel of war?

Answer. It has.

Question by commodore Rodgers. Did I, after the fire of the Little Belt was silenced, or at any other time, ask her commander if he had struck his colors? If not, be pleased to state to the court what my enquiry was.

Answer. The commodore did not then, or at any other time, ask the commander of the Little Belt if he had struck his colors; but the commodore's question was, "Did you say you had struck your colors?"

Question by commodore Rodgers. What reply did the commander of the Little Belt make to my question of, "Did you say you had struck your colors?"

Answer. I could not distinctly hear the reply that was made to that question, but I heard at the time several of our own men say, he (the commander of the Little Belt) says, "Ay, ay, I am in great distress."

Question by commodore Rodgers. Were lights displayed from the President during the night, after the action, so that her position might have been observed by the Little Belt?

Answer. Yes.

ANDREW L. B. MADISON, was produced to the court and sworn as a witness.

Question. Were you on board the United States'

frigate the President, during the action, on the night of the 16th day of May last, with his Britannic majesty's ship the Little Belt?

Answer. Yes.

Question. Do you hold any and what station on board the United States' frigate the President?

Answer. Lieutenant of marines.

Question. Where were you quartered, on board the frigate President, at the time of the action?

Answer. On the gang-ways.

Question. Where were you standing at the time commodore Rodgers hailed the Little Belt?

Answer. I was standing on the combings of the main-hatch, on the larboard side.

Question. Had the Little Belt then hailed the President?

Answer. No, sir.

Question. When commodore Rodgers hailed the Little Belt, was there any reply from her; and, if so, what was the nature of it?

Answer. I heard no reply.

Question. Did commodore Rodgers hail the Little Belt a second time; and, if so, how soon?

Answer. He did, in fifteen or eighteen seconds.

Question. Was sufficient time given by commodore Rodgers for the Little Belt to have answered his first hail, before the commodore hailed her a second time?

Answer. There was.

Question. Did commodore Rodgers receive any reply to his second hail; and, if any, what was its purport?

Answer. He received no reply; but the Little Belt fired a gun, from near her gang-way.

Question. Were you in a position to observe the Little Belt, at the time she fired that gun?

Answer. Yes: I was looking directly at the Little Belt when she fired....saw the flash and heard the report.

Question. When the Little Belt fired the said gun, had any gun been previously fired from the frigate President, or any provocation been given by commodore Rodgers to the commander of the Little Belt?

Answer. No gun had then been fired from the President, nor had any provocation been given by the commodore to the commander of the Little Belt.

Question. What time elapsed before the President returned the fire of the Little Belt, and how many guns were fired from the President before the Little Belt commenced a general fire?

Answer. The President fired one gun in about six seconds after having received the shot of the Little Belt, and immediately the latter ship fired three guns, and instantly after the rest of her broadside and musketry.

Question. After the President commenced firing upon the little Belt, was the latter ship silenced, and in what time?

Answer. The Little Belt in six or seven minutes after that time was silenced, when immediate orders were passed to cease firing.

Question. Did the President then cease firing, and did the Little Belt thereupon renew her fire, and how soon?

Answer. The President ceased her fire, and the Little Belt in about two or three minutes after renewed her fire.

Question. Did the President then recommence her fire, and was the Little Belt again silenced, and how soon?

Answer. The President renewed her fire, which continued four or five minutes, when the guns of the Little Belt were again silenced, and orders were immediately passed to me to cease firing.

Question. At the several times when the guns of the Little Belt were silenced, did commodore Rodgers exert himself to prevent further injury being done to her?

Answer. Yes, orders were immediately passed to cease firing.

Question. Have you seen commodore Rodgers' official letter to the secretary of the navy, dated off Sandy Hook, on the 23d day of May last, relative to the action with the Little Belt?

Answer. I have, sir.

Question. Are there any circumstances therein stated which you know to be incorrect?

Answer. None.

Question by commodore Rodgers. Was the President at any time on fire, or did she sheer off during the action with a view to avoid the Little Belt?

Answer. The President was not at any time on fire, nor did she sheer off during the action with a view to avoid the Little Belt.

CAPTAIN CALDWELL, of marines, was again produced to the court and examined.

Question. What time elapsed before the President returned the fire of the Little Belt, and were any, and how many guns fired from the President before the Little Belt commenced a general fire?

Answer. Five or six seconds elapsed before the President returned the fire of the Little Belt, by firing one gun, and immediately the latter ship fired three guns, and instantly the rest of her broadside and her musketry.

The court adjourned to meet at the same place to-morrow morning at 11 o'clock.

Wednesday, the 4th September, 1811.

The court met pursuant to adjournment.

PRESENT,

Commodore Stephen Decatur, president,

Captain Charles Stewart, } members.

Captain Isaac Chauncey, }

The proceedings of the court of yesterday were read and approved.

JACOB MULL was produced to the court and sworn as a witness.

Question. Were you on board the United States frigate the President, during the action on the night of the 16th day of May last, with his Britannic majesty's ship the Little Belt?

Answer. Yes, sir.

Question. Do you hold any and what station on board the said frigate the President?

Answer. The station of sailing-master.

Question. On the night of the 16th day of May last, where were you quartered on board the said frigate the President?

Answer. On the quarter deck.

Question. When within hailing distance did commodore Rodgers hail the Little Belt?

Answer. Yes, sir.

Question. Had the President at that time been hailed by the Little Belt?

Answer. No, sir.

Question. Did commodore Rodgers hail the Little Belt again, and was sufficient time given for her to answer him before his second hail?

Answer. The commodore hailed the Little Belt a second time, sufficient time having been given to have received an answer from the Little Belt before the commodore's second hail.

Question. Was any, and what answer given by the commander of the Little Belt to either hail of commodore Rodgers?

Answer. There was an answer given, I think, to the first hail of the commodore; the commander of the Little Belt said halloo; to the second hail of commodore Rodgers there was no answer, but instantly the Little Belt fired a shot, which I thought struck the frigate President.

Question. Were you looking at the Little Belt at the time she fired that shot?

Answer. I was, but could not see her hull.

Question. At the time the Little Belt fired the said gun, had any gun been fired from the President, or any provocation whatever been given by commodore Rodgers to the captain of the Little Belt?

Answer. No gun had then been fired from the President, nor had any provocation whatever been given by commodore Rodgers to the captain of the Little Belt.

Question. What time elapsed before the President returned the first gun of the Little Belt, and were there any, and how many guns fired from the President before the Little Belt commenced a general fire?

Answer. Perhaps three or four seconds elapsed before the President returned the said gun; there was only one gun fired from the President before the Little Belt commenced a general fire.

Question. Have you seen commodore Rodgers's official letter to the secretary of the navy, dated off Sandy Hook, on the 23d day of May last, relative to the action with the Little Belt?

Answer. Yes, sir.

Question. Are there any circumstances stated in that letter which you know to be incorrect?

Answer. None, sir.

Question by commodore Rodgers. What was your impression as to the force of the Little Belt, from the time you first observed her until the termination of the firing, or indeed until her force was ascertained the next morning?

Answer. I thought she was a large sized frigate until we came within hail of her the next day.

Question by commodore Rodgers. What was the duration of the action, and was there any cessation and how long?

Answer. The action continued fourteen or fifteen

minutes, during which time there was a cessation of the fire of both ships of about three minutes.

Question by commodore Rodgers. When the Little Belt's fire was finally silenced, could her guns have been brought to bear had her commander wished to fire again?

Answer. They could.

Question by commodore Rodgers. In the position the two ships were at the time I gave orders a second time to cease firing, what would, in your opinion, have been the effect of another broadside from the President?

Answer. I think it would have sunk the Little Belt.

LIEUTENANT JOHN ORDE CREIGHTON *was again produced to the court and examined.*

Question by commodore Rodgers. What was your impression as to the force of the Little Belt, from the time you first observed her until the termination of the firing, or indeed until her force was ascertained the next morning?

Answer. I was under the impression that the Little Belt was a frigate, until doubts were excited in my mind by the feeble resistance she made in the action; and on the following morning, I was still of opinion that she was a frigate, when we first discovered her, and until we got so near her as to be certain of her force.

Question by commodore Rodgers. Did I ask you, immediately on your return from the Little Belt, if her wheel had not been carried away?

Answer. Yes, sir; the commodore asked me that question.

Question by commodore Rodgers. From the Little Belt's manœuvres the night of the encounter, did you suppose her wheel had been shot away?

Answer. I think there was great want of conduct on board the Little Belt; she did not make that defence which a ship of her force ought to have made.

Question by commodore Rodgers. Did captain Bingham inform you that he had not seen our colors?

Answer. Captain Bingham said to me, the President's colors had not been hoisted; I replied to him, they had been hoisted from the moment we discovered him to be a ship of war; he then said, your mizzen top sail would prevent me from seeing it; to which I replied, he must have seen our pendant, as it shewed distinctly above the royals; he then said, Yes, I recollect... my officers, who are better acquainted here than I am, told me you wore a burgee.

Question by commodore Rodgers. Is it the usage of the service to prepare for action before going along side of a strange vessel of war?

Answer. Yes, sir.

The court adjourned to meet to-morrow morning at 11 o'clock at the same place.

Thursday, the 5th of September, 1811.

The court met pursuant to adjournment.

PRESENT,

Commodore Stephen Decatur, president,

Captain Charles Stewart, } members.

Captain Isaac Chauncey, }

The proceedings of the court of yesterday were read and approved.

JOSEPH SMITH was produced to the court and sworn as a witness.

Question. Were you on board the United States' frigate the President, on the night of the 16th day of May last, and was there then an action between her and his Britannic majesty's ship the Little Belt?

Answer. I was, on the night of that day, on board the said frigate the President; and there was then an action between her and the said ship the Little Belt.

Question. Do you hold any, and what station, on board the said frigate the President; and where were you quartered at the time of the said action?

Answer. I am a midshipman, acting as master's mate, on board the President; and, at the time of the said action, commanded the subdivision of the fourth division of guns on the forecastle.

Question. On the night of the said action, did you hear commodore Rodgers hail the Little Belt, and at what hour; and was there any, and what reply, given to the commodore?

Answer. At 8 o'clock of the night of the said action, or nearly at that hour, I heard commodore Rodgers hail the Little Belt....to which I did not hear any reply.

Question. Did commodore Rodgers hail the Little Belt a second time, and how soon; and was there any, and what reply, from her?

Answer. The commodore hailed the Little Belt a second time in about five seconds, to which I heard no reply.

Question. Did you, at the time of commodore Rodgers' second hail, or at any other, and what time, hear the report of a gun?

Answer. I saw the flash, and heard the report of a gun almost immediately after commodore Rodgers' second hail.

Question. When you saw the flash and heard the report of said gun, were you in a position to observe the Little Belt?

Answer. Yes, sir, I was standing on the slide of the after gun on the forecastle looking directly at the Little Belt.

Question. Was the said gun fired from the Little Belt?

Answer. It was, sir.

Question. When the Little Belt fired the said gun, had any gun been fired by the President, or any provocation whatever been given by commodore Rodgers to the commander of the Little Belt?

Answer. At that time there had not any gun been fired from the President, nor had any provocation that I know of, been given by the commodore to the captain of the Little Belt.

Question. Did the President return the fire of the Little Belt, and how soon, and did the President fire one or more guns in return?

Answer. The President returned the fire of the Little Belt in four or five seconds by firing one gun only.

Question. Did the Little Belt thereupon immediately commence a general fire?

Answer. I heard three guns fired from the Little Belt, immediately after the President had fired the said gun.

Question. Have you seen commodore Rodgers' official letter to the secretary of the navy, dated off Sandy Hook, on the 23d day of May last, relative to the action with the Little Belt?

Answer. I have.

Question. Are there any circumstances stated in that letter which you know to be incorrect?

Answer. There are none.

Question by commodore Rodgers. What was your impression as to the force of the Little Belt, from the time you first observed her, until the termination of the firing, or indeed until her force was ascertained the next morning?

Answer. I took her to be a frigate.

Question by commodore Rodgers. What was the duration of the action, and was there any cessation and how long?

Answer. I suppose the action to have lasted from

twelve to fourteen minutes; there was a cessation of two and a half or three minutes.

Question by commodore Rodgers. Did you twice, during the encounter, receive orders to cease firing?

Answer. Yes, sir.

Question by commodore Rodgers. At the several times the said orders to cease firing were passed to you, particularly the last, did commodore Rodgers make every exertion to prevent further injury being done to the Little Belt?

Answer. Yes; both times; I received the last time the orders from three different officers, to cease firing.

HENRY DENISON was produced to the court and sworn as a witness.

Question. Were you on board the United States frigate the President, on the night of 16th day of May last, and was there an engagement between her and his Britannick majesty's ship the Little Belt?

Answer. I was then on board the said frigate the President, when an action took place between her and a vessel which afterwards proved to be the Little Belt.

Question. Do you hold any and what station on board the said frigate the President, and where were you quartered at the time of the action aforesaid?

Answer. I am acting chaplain, and at the time of the said action was quartered on the quarter deck.

Question. On the night of the said action did you hear commodore Rodgers, and at what hour, hail the Little Belt, and how often; and was there any, and what answer given by her?

Answer. About a quarter past 8 o'clock on the night of the said action, when within about seventy or eighty yards of the Little Belt, I heard commodore Rodgers hail her, and ask "what ship is that?"

to which enquiry the Little Belt, in about two seconds, replied by putting the same question of "what ship is that?" after a short interval the commodore repeated his first question of "what ship is that?" to which no reply was given.

Question. Did you at the time of commodore Rodgers' second enquiry of "what ship is that," or at any other, and what time, hear the report of a gun?

Answer. Directly after commodore Rodgers' second hail I heard the report of a gun.

Question. When you heard the report of the said gun were you in a position to observe the Little Belt?

Answer. I was not.

Question. Was the said gun fired from the Little Belt?

Answer. From my position just at the moment, I could not see any flash, but from not then seeing any jar of the President, my belief was that the said gun was fired from the Little Belt.

Question. At that time had any gun been fired from the President, or any provocation been given by commodore Rodgers to the captain of the Little Belt?

Answer. No gun had then been fired from the President, neither in my opinion had any provocation been given by commodore Rodgers to the captain of the Little Belt, as no other conversation had passed between them than what I have mentioned took place at the several times of hailing.

Question. Have you seen commodore Rodgers' official letter to the secretary of the navy, dated off Sandy Hook, on the 23d day of May last, relative to the action with the Little Belt?

Answer. Yes, sir.

Question. Are there any circumstances therein stated which you know to be incorrect?

Answer. Not any.

MICHAEL ROBERTS was produced to the court
and sworn as a witness.

Question. Were you on board the United States' frigate the President on the night of the 16th day of May last, and was there then any engagement between her and his Britannick majesty's ship the Little Belt?

Answer. Yes, sir.

Question. Do you hold any, and what station, on board the said frigate the President, and where were you quartered at the time of the said action?

Answer. I am boatswain of the President, and was at the time of the said action quartered on the forecastle.

Question. When within hailing distance, did either, and which ship hail, and from which of the said ships did the first hail proceed?

Answer. When the President and the Little Belt were within hailing distance of each other, commodore Rodgers first hailed the latter ship.

Question. Did you hear, and at what time, the report of a gun, and were you then observing the Little Belt, and did it proceed from her?

Answer. To the best of my recollection, at the time commodore Rodgers hailed the Little Belt, I was standing on the larboard side of the forecastle belaying the weather jib sheet, and then saw the flash, and instantly turning my head towards the Little Belt I heard the report of a gun, and saw that it proceeded from her.

Question. When you saw the flash and heard the report of the said gun, had there been any gun fired from the President?

Answer. No, sir.

Question. At that time had commodore Rodgers given any provocation whatever to the captain of the Little Belt?

Answer. None that I heard or saw.

Question. Have you seen commodore Rodgers' official letter to the secretary of the navy, dated off Sandy Hook, on the 23d day of May last, relative to the action with the Little Belt?

Answer. No, sir.

The court adjourned to meet at the same place to-morrow morning at 11 o'clock.

Friday, the 6th September, 1811.

The court met pursuant to adjournment.

PRESENT,

Commodore Stephen Decatur, president.

Captain Charles Stewart, } members.
Captain Isaac Chauncey, }

The proceedings of the court of yesterday were read and approved.

RICHARD CARSON was produced to the court and sworn as a witness.

Question. Were you on board the United States' frigate the President, on the night of the 16th day of May last; and was there an engagement between her and his Britannic majesty's ship the Little Belt?

Answer. Yes, sir.

Question. Do you hold any, and what station, on board the said frigate the President; and where were you quartered at the time of the said action?

Answer. I am a midshipman on board the President; and, at the time of the said action, was quartered on the forecastle and gang-ways.

Question. Did you, on the night of the said action, hear commodore Rodgers hail the Little Belt, and at

what hour, and how often; and was there any, and what reply, made to the commodore?

Answer. At about 8 o'clock, on the night of the aforesaid action, I heard commodore Rodgers hail the Little Belt by asking "what ship is that?" to which enquiry the Little Belt replied by repeating the question of "what ship is that?" in a short time the commodore hailed the Little Belt again, asking "what ship is that?" to which question she replied with a shot.

Question. Were you looking at the Little Belt when she fired the said shot, and did you see the flash and hear the report of the gun which she then fired?

Answer. I was then looking at the Little Belt, and saw the flash and instantly heard the report of the gun which she then fired.

Question. Was the said gun fired from the Little Belt without any previous provocation or justifiable cause?

Answer. There had then been no gun fired from the President, nor had any conversation, other than the hailing I have previously mentioned, passed between commodore Rodgers and the captain of the Little Belt.

Question. Was the gun which had been fired from the Little Belt returned by the President, and how soon, and did she fire one or more guns in return?

Answer. The President immediately fired one gun only in return.

Question. Did the Little Belt, as soon as the gun she fired had been answered by the President, commence a general fire?

Answer. She did.

Question. Have you seen commodore Rodgers' official letter to the secretary of the navy, dated off Sandy Hook, on the 23d day of May last, relative to the action with the Little Belt?

Answer. Yes, sir.

Question. Are there any circumstances stated in that letter which you know to be incorrect?

Answer. There are none.

MATTHEW C. PERRY was sworn as a witness.

Question. Were you on board the United States' frigate the President on the night of the 16th day of May last, and was there an engagement between her and his Britannic majesty's ship the Little Belt?

Answer. I was then on board the said frigate the President when there was an action between her and the said ship the Little Belt?

Question. Do you hold any, and what station, on board the said frigate the President, and where were you quartered at the time of the said action?

Answer. I am a midshipman on board the said frigate the President, and at the time of the said action was stationed on the quarter deck.

Question. On the night of the said action did you hear commodore Rodgers hail the Little Belt, and at what hour, and how often, and was there any, and what reply given to the commodore?

Answer. Commodore Rodgers, at about 8 o'clock on the night of the said action, hailed the Little Belt, and asked "what ship is that?" To which the captain of the Little Belt replied by echoing the commodore's previous question of "what ship is that?" Immediately after, commodore Rodgers again hailed the Little Belt, by repeating his former inquiry of "what ship is that?" to which there was no reply, but instantaneously the Little Belt fired a gun.

Question. At the time the Little Belt fired the said gun, had there been any gun fired from the President, or any provocation given by commodore Rodgers to the commander of the Little Belt?

Answer. When the Little Belt fired the said gun, the President had not fired at all, nor had any provocation been given by commodore Rodgers to the captain of the Little Belt.

Question. Was the gun which had been first fired from the Little Belt, answered by the President, and how soon, and did she fire one, or a greater number of guns, in return?

Answer. The President, in from five to seven seconds, returned the said gun fired from the Little Belt, by firing one gun only.

Question. Did the Little Belt, immediately after the gun fired from her had been answered by the President, commence a general fire?

Answer. She did.

Question. Have you seen commodore Rodgers' official letter to the secretary of the navy, dated off Sandy-Hook, on the 23d day of May last, relative to the action with the Little Belt?

Answer. I have.

Question. Are there any circumstances stated in that letter, which you know to be incorrect?

Answer. There are none.

SILAS DUNCAN was sworn as a witness.

Question. Were you on board the United States' frigate the President, on the night of the 16th day of May last; and was there then an action between her and his Britannic majesty's ship the Little Belt?

Answer. I was, on that night, on board the said frigate the President; and there was then an action between her and the said ship the Little Belt.

Question. Do you hold any, and what station, on board the said frigate the President; and where were you quartered at the time of the said action?

Answer. I am a midshipman on board the said frigate the President; and was, at the time, quartered in the fore-top.

Question. On the night of the said action, did you hear commodore Rodgers hail the Little Belt; and at what hour, and how often; and was there any, and what answer, given to the commodore?

Answer. Immediately before the action commenced between the President and Little Belt, I heard commodore Rodgers hail the latter, by asking "What ship is that?" when, I think, the commander of the Little Belt replied by repeating the commodore's previous question. In a very short time afterwards, commodore Rodgers repeated his question of "What ship is that?" to which I did not hear any reply.

Question. Did you, at the time of commodore Rodgers' second hail, or at any other, and what time, hear the report of a gun; and did it proceed from the President, or the Little Belt?

Answer. Immediately after commodore Rodgers' second hail, I heard the report of two guns in quick succession; but, from my position at the moment, I could not ascertain from which ship the report proceeded; but my impression was, that the first gun I heard was fired from the Little Belt, and that the President had fired a shot in return. At the time I heard the report of the first gun, the fore-topsail being between me and the Little Belt, I could not see her.

Question. Have you seen commodore Rodgers' official letter to the secretary of the navy, dated, off Sandy-Hook, on the 23d day of May last, relative to the action with the Little Belt?

Answer. Yes.

Question. Are there circumstances stated in that letter which you know to be incorrect?

Answer. I know of none.

JOHN H. CLACK was sworn as a witness.

Question. Were you on board the United States' frigate the President, on the night of the 16th day of May last, and was there then an action between her and his Britannic majesty's ship the Little Belt?

Answer. I was at that time on board the said frigate the President, when there was an action between her and the said ship the Little Belt.

Question. Do you hold any, and what station on board the said frigate the President, and where were you quartered at the time of the said action?

Answer. I am a midshipman on board the said frigate, and was stationed at the time of the said action, in the mizzen top.

Question. When the President came within hail of the Little Belt did you hear commodore Rodgers hail her, and how often?

Answer. When the President came within hailing distance of the Little Belt, I heard the commodore hail her twice.

Question. Was there any and what reply made from the Little Belt?

Answer. There was no reply from the Little Belt, but to the commodore's first hail the Little Belt hailed in return.

Question. Were you observing the Little Belt when the first gun was fired?

Answer. I could not see her when I heard the report of the first gun.

Question. Which ship fired the first gun?

Answer. I cannot positively say; the impression on my mind was, that the Little Belt fired the first gun.

Question. Were there any, and what circumstances, which induced you to believe that the Little Belt fired the first gun?

Answer. There were several; at the time the first gun was fired, I did not feel any jar; but when immediately after I saw the President fire a gun, I very sensibly felt the jar.

Question. Have you seen commodore Rodgers' official letter to the secretary of the navy, dated off Sandy Hook, on the 23d day of May last, relative to the action with the Little Belt?

Answer. Yes, sir.

Question. Are there any circumstances therein stated which you know to be incorrect?

Answer. There are none.

The court adjourned to meet to-morrow, at the same place, at 11 o'clock.

Saturday, the 7th September, 1811.

The court met pursuant to adjournment.

PRESENT,

Commodore Stephen Decatur, president,

Captain Charles Stewart, } members.
Captain Isaac Chauncey, }

The proceedings of the court of yesterday were read and approved.

THOMAS GAMBLE was sworn as a witness.

Question. Were you, on the night of the 16th day of May last, on board the United States' frigate the President, and was there then an action between her and his Britannick majesty's ship the Little Belt?

Answer. I was then on board the said frigate the President, when there was an action between her and the said ship the Little Belt.

Question. What was your station on board the said frigate the President, and where were you quartered at the time of the said action?

Answer. I was second lieutenant of the said frigate, commanding the first division of guns.

Question. When the said frigate came within hailing distance of the Little Belt, did commodore Rodgers hail her?

Answer. When within hailing distance I heard the commodore hail the Little Belt very distinctly.

Question. Was there any, and what reply to commodore Rodgers' hail, from the Little Belt?

Answer. To the first hail of "ship ahoy!" of the commodore, the answer from the Little Belt was "halloo!" whereupon commodore Rodgers asked "what ship is that?" to which enquiry the Little Belt replied by repeating the same question of "what ship is that?" in the course of four or five seconds after, the commodore again inquired "what ship is that?" to which there was no reply from the Little Belt.

Question. Was a gun fired at this time, and were you observing the Little Belt, and from whence did the fire proceed?

Answer. At the time of commodore Rodgers' first hail of "what ship is that?" I was looking out of a port at the Little Belt, and from her repetition of the commodore's previous question, I was under an apprehension that some difficulty might occur, and withdrew from the port: I then heard commodore Rodgers hail the Little Belt again, immediately after which I heard the report of a gun, which I am confident proceeded from the Little Belt, as the report appeared distant and I felt no concussion.

Question. When you heard the report of the said gun, had a gun been fired from the said frigate the President, or had any provocation whatsoever been given by commodore Rodgers to the commander of the said ship the Little Belt?

Answer. At that time not a gun had been fired from the President, nor had any provocation been given by the commodore to the commander of the Little Belt?

Question. Are you sure that the first gun was not fired from the division that you commanded in the aforesaid action?

Answer. I am certain it was not; it was not possible that a gun could have then been fired from the division I commanded without my knowledge.

Question. Have you seen commodore Rodgers' official letter to the secretary of the navy, dated off Sandy Hook on the 23d day of May last, relative to the action with the Little Belt?

Answer. I have.

Question. Are there any circumstances stated in that letter which you know to be incorrect?

Answer. There are none.

Question by commodore Rodgers. What were commodore Rodgers' orders on board the frigate President, before coming up with the Little Belt?

Answer. The commodore's orders were at this time, to be very particular not to fire a gun, unless the chase fired first.

Question by commodore Rodgers. What description of shot were fired from your division during the said renounter with the Little Belt?

Answer. From the division I then commanded, there was nothing but round and grape shot fired.

Question by commodore Rodgers. Did you hear any hail from the Little Belt, previously to commodore Rodgers having hailed her, and were you in a situation to have heard if there had been any previous hail from that ship?

Answer. My situation was such that I must have heard, if the Little Belt had first hailed the President; and I feel positive the first hail proceeded from commodore Rodgers.

Question by commodore Rodgers. Was the President at any time on fire during the renounter with the Little Belt?

Answer. No, sir.

Question by commodore Rodgers. Did the President at any time during the renounter with the Little Belt, sheer off with a view to avoid her.

Answer. She did not.

Question by commodore Rodgers. In the situation the two ships were at the time the Little Belt's fire was finally silenced, what in your opinion would

have been the effect of another broadside from the President?

Answer. It is my opinion it would have sunk the Little Belt.

Question by commodore Rodgers. As soon as the fire of the Little Belt was finally silenced, did commodore Rodgers exert himself to prevent further injury being done to her?

Answer. The commodore did; I heard him on the gun deck about the main-hatch, ordering to cease firing.

Question by commodore Rodgers. Did you see any colours hoisted on board the Little Belt during the chase, and were you then in a situation to have seen them had she displayed any?

Answer. I was in a situation to have seen the Little Belt's colors, had she displayed any: I was sitting in the bridle-port, looking at her with a spy-glass, the greater part of the chase, and did not observe any colors displayed by her.

Question by commodore Rodgers. What was your impression as to the force of the Little Belt, from the time you first observed her until the termination of the firing, or indeed, until her force was discovered the next day?

Answer. I was under the impression she was a frigate of thirty-six or thirty-eight guns, until the morning after the action.

ALEXANDER JAMES DALLAS was sworn as a witness.

Question. Were you on board the United States' frigate the President, on the night of the 16th day of May last; and was there then an action between her and his Britannic majesty's ship the Little Belt?

Answer. Yes, sir.

Question. What was your station, and where were you quartered, on board the said frigate the President, at the time of the said action?

Answer. I was at that time third lieutenant of the said frigate, commanding the second division of her guns.

Question. When within hailing distance, did you hear commodore Rodgers hail the Little Belt?

Answer. Yes, sir.

Question. Was there any, and what reply thereto from the Little Belt?

Answer. Halloo, was the reply thereto from the Little Belt?

Question. Did commodore Rodgers thereupon ask, "What ship is that?"

Answer. Yes, sir.

Question. Was there any, and what reply to that question from the Little Belt?

Answer. The commodore's question of "what ship is that?" was reiterated from the Little Belt.

Question. Did commodore Rodgers again hail "what ship is that?" and was there any and what reply thereto, from the Little Belt?

Answer. I heard the commodore again say something, the tendency of which I did not distinctly comprehend, but immediately after a gun was fired from the Little Belt.

Question. Where were you when the Little Belt fired that gun, and were you then looking at her, and did you see the flash and hear the report of the said gun?

Answer. I was leaning or sitting, I do not know which, looking at the Little Belt out of the first port forward of the starboard gangway, and saw a flash from her and heard two reports.

Question. When you saw the flash and heard the reports aforesaid, had a gun been fired from the President, or had any provocation whatever been given by commodore Rodgers to the commander of the Little Belt?

Answer. No gun had then been fired from the

President, nor had any provocation been given by the commodore to the commander of the Little Belt.

Question. Was the gun you saw fired from the Little Belt returned by the President, and from which division and how soon, and did the President fire one or more guns in return?

Answer. As soon as I perceived the flash and heard the reports from the Little Belt, I got in from the port and fired a gun from the second division which I then commanded. The time between seeing the flash and hearing the reports, and of firing the gun from the said division, I suppose to have been four or five seconds. The President fired only one gun in return.

Question. Did the Little Belt thereupon commence a general fire?

Answer. Yes, sir.

Question. What were commodore Rodgers' orders on board the President, before coming up with the Little Belt?

Answer. They were to fire on no account, without orders from the quarter deck, or unless she fired first.

Question. Had you received any order other than the above, when you fired your first gun?

Answer. I had not then received any other than the above orders.

Question. Did you hear any hail from the Little Belt previously to commodore Rodgers' having hailed her?

Answer. I heard no hail from the Little Belt previously to the commodore's having hailed her.

Question. Have you seen commodore Rodgers' official letter to the secretary of the navy, dated off Sandy Hook on the 23d day of May last, relative to the action with the Little Belt?

Answer. Yes, sir.

Question. Are there any circumstances therein stated which you know to be incorrect?

Answer. There are none, sir.

Question by commodore Rodgers. What description of shot were fired from the division you commanded during the said engagement?

Answer. Round and grape shot, and none other.

Question by commodore Rodgers. Was the President on fire at any time during the said action?

Answer. No, sir.

Question by commodore Rodgers. Did the President at any time during the said action sheer off with a view to avoid the Little Belt?

Answer. No, sir.

Question by commodore Rodgers. In the situation the two ships were at the time the Little Belt's fire was finally silenced, what, in your opinion, would have been the effect of another broadside from the President?

Answer. Another broadside from the President would, in all probability, have sunk the Little Belt.

Question by commodore Rodgers. As soon as the fire of the Little Belt was silenced finally, did commodore Rodgers exert himself to prevent further injury being done to her?

Answer. He did. The commodore came down on the gun deck, and gave orders to cease firing.

The court adjourned, to meet on Monday next, at the same place, at eleven o'clock in the morning.

Monday, 9th of September, 1811.

P R E S E N T,

Commodore Stephen Decatur, president,

Captain Charles Stewart, $\frac{1}{2}$ members.

Captain Isaac Chauncey, $\frac{1}{2}$

The proceedings of the court of Saturday last were read and approved.

JOHN M. FUNK was produced and sworn as a witness.

Question. Were you on board the United States' frigate the President, on the night of the 16th day of May last, and was there then an action between her and his Britannic majesty's ship the Little Belt?

Answer. Yes, sir.

Question. What was your station, and where were you quartered on board the said frigate the President, at the time of the said action?

Answer. I was then fourth lieutenant of the said frigate, commanding the third division, and was quartered on the gun deck.

Question. When within hailing distance, did you hear commodore Rodgers hail the Little Belt?

Answer. Yes, sir, I did.

Question. Was there any, and what answer thereto, from the Little Belt?

Answer. There was a reply thereto from the Little Belt, but I could not distinctly understand what was said.

Question. Did commodore Rodgers hail the Little Belt again, and how soon, and was there any and what reply thereto from her?

Answer. After sufficient time had elapsed for an answer from the Little Belt, the commodore hailed her again, to which I did not hear any reply.

Question. Was a gun fired from the Little Belt, and at what time?

Answer. Immediately after the commodore again hailed the Little Belt, I heard the report of a gun, which I am confident proceeded from her, as the report came from that direction, and I felt no jar. I was not then looking at the Little Belt.

Question. When you heard the report of the said gun, had any gun been fired from the President, or had any provocation whatever been given by commo-

dore Rodgers to the commander of the Little Belt?

Answer. Not any gun had then been fired from the President, nor had any provocation been given by the commodore to the commander of the Little Belt.

Question. Are you certain the first gun was not fired from the division you commanded in the said action?

Answer. Yes, sir, I am certain it was not.

Question. Was the gun, which had been fired from the Little Belt, returned by the President, and how soon, and did the President fire one or more guns in return?

Answer. It was returned by a single gun from the President, in five or six seconds.

Question. Did the Little Belt thereupon commence a general fire?

Answer. Yes, sir.

Question. Did you receive any and what orders, from commodore Rodgers, before coming up with the Little Belt?

Answer. The orders I received, previously to coming up with the Little Belt, were not to fire, without orders from the quarter deck, unless she fired first.

Question. Did you hear any hail from the Little Belt previously to commodore Rodgers' having hailed her?

Answer. No, sir.

Question. Have you seen commodore Rodgers' official letter to the secretary of the navy, dated off Sandy Hook, on the 23d day of May last, relative to the said action with the Little Belt?

Answer. Yes, sir.

Question. Are there any circumstances stated in that letter which you know to be incorrect?

Answer. There are none.

Question by commodore Rodgers, What descrip-

tion of shot were fired during the action, from the division you then commanded?

Answer. None other than round and grape shot.

Question by commodore Rodgers. Was the President on fire at any time during the said action?

Answer. Not to my knowledge.

Question by commodore Rodgers. Did the President at any time during the said action sheer off, with a view to avoid the Little Belt?

Answer. No, sir.

Question by commodore Rodgers. In the situation the two ships were at the time the Little Belt's fire was finally silenced, what in your opinion would have been the effect of another broad side from the President?

Answer. I think, sir, it would have sunk the Little Belt.

Question by commodore Rodgers. As soon as the fire of the Little Belt was finally silenced, did commodore Rodgers exert himself to prevent further injury being done to the Little Belt?

Answer. He did, sir.

PETER GAMBLE was produced and sworn as a witness.

Question. Were you on board the United States frigate the President on the night of the 16th day of May last, and was there then an action between her and his Britannick majesty's ship the Little Belt?

Answer. Yes, sir.

Question. What was your station, and where were you quartered on board the said frigate the President at the time of said action?

Answer. I was then a midshipman on board the said frigate, and was quartered on the gun deck in the second division.

Question. Did the Little Belt commence the said action by firing the first gun?

Answer. At the time the first gun was fired I was not looking at the Little Belt, but in consequence of the report coming from the direction in which she then was, and from my not feeling any jar at that time, I am confident she fired the first gun.

Question. When you heard the report of the said gun had any gun been fired from the division in which you were then stationed, or had any provocation been given by commodore Rodgers to the commander of the Little Belt?

Answer. At that time no gun had been fired from the division in which I was then stationed, nor had any provocation, that I know of, been given by commodore Rodgers to the commander of the Little Belt.

Question. Have you seen commodore Rodgers' official letter to the secretary of the navy, bearing date off Sandy Hook, on the 23d day of May last, relative to the said action with the Little Belt?

Answer. Yes, sir.

Question. Are there any circumstances stated in that letter which you know to be incorrect?

Answer. I do not know that any circumstances therein stated are incorrect.

**EDWARD BABBIT was produced to the court
and sworn as a witness.**

Question. Were you on board the United States' frigate President, on the night of the 16th day of May last, and was there then an action between her and his Britannic majesty's ship the Little Belt?

Answer. Yes, sir.

Question. What was your station and where were you quartered, on board the said frigate the President, at the time of the said action?

Answer. I was then a midshipman on board the said frigate, and was quartered in the third division on the gun deck.

Question. Did the Little Belt commence the said action by firing the first gun, and were you then looking at her?

Answer. Yes, sir, I was looking at her when she fired the first gun, and saw the flash and heard the report of it.

Question. Was the said gun fired from the Little Belt without any previous provocation or justifiable cause?

Answer. It was.

Question. Have you seen commodore Rodgers' official letter to the secretary of the navy, dated off Sandy Hook, on the 23d day of May last, relative to the action with the Little Belt?

Answer. I have heard it read.

Question. Are there any circumstances stated in that letter which you know to be incorrect?

Answer. There are none.

LIEUTENANT JOHN ORDE CREIGHTON was produced and re-examined.

Question by a member of the court. During the night after the affair between the President and the Little Belt, had the President lights hoisted?

Answer. She had.

JACOB MULL was produced and re-examined.

Question. Were there any, and what injuries sustained by the President, in the affair between her and the Little Belt, on the night of the 16th day of May last?

Answer. The President, in that affair, sustained none other than the injuries which follow: one boy was wounded, one shot struck her main-mast, another struck her fore-mast; two of the fore, two of the main and one of the mizzen shrouds, the starboard main-top-mast, breast back-stay, and some of the running rigging, were cut away, and several shot went through the sails.

Question. Did any shot from the Little Belt strike the hull of the President, in the said affair?

Answer. Not one of any description.

EDWARD RUTLEDGE SHERBRICK was produced and sworn as a witness.

Question. Were you on board the United States' frigate the President, on the night of the 16th day of May last, and was there then an action between her and his Britannic majesty's ship the Little Belt?

Answer. Yes, sir.

Question. What was your station, and where were you quartered, on board the said frigate the President, at the time of the said action?

Answer. I was then a midshipman, on board the said frigate, and was stationed forward, on the gun-deck, in the first division.

Question. Did the Little Belt commence the said action by firing the first gun; and were you then looking at her, and did you see the flash and hear the report of it?

Answer. She did commence the action by firing the first gun; I was looking at her through one of the ports, and saw the flash and heard the report of it.

Question. Was the said gun fired from the Little Belt without any previous provocation or justifiable cause?

Answer. The Little Belt fired the first gun without any previous provocation or justifiable cause.

Question. Did you hear any hail from the Little Belt, previously to commodore Rodgers' having hailed her?

Answer. No, sir; none.

Question. Have you seen commodore Rodgers' official letter to the secretary of the navy, dated off Sandy Hook, on the 23d day of May last, relative to the action with the Little Belt?

Answer. Yes, sir.

Question. Are there any circumstances stated in that letter which you know to be incorrect?

Answer. No, sir.

The court adjourned to meet at the same place to-morrow morning at eleven o'clock.

Tuesday, the 10th of September, 1811.

The court met pursuant to adjournment.

P R E S E N T,

Commodore Stephen Decatur, president,
Captain Charles Stewart, } members.
Captain Isaac Chauncey, }

The proceedings of the court of yesterday, were read and approved.

PHILIP DICKERSON SPENCER was produced
and sworn as a witness.

Question. Were you on board the United States' frigate the President, on the night of the 16th day of May last; and was there then an action between her and his Britannic majesty's ship the Little Belt?

Answer. I was then on board the said frigate, when there was an action between her and the said ship the Little Belt.

Question. What was your station, and where were you quartered, on board the said frigate the President, at the time of the said action?

Answer. I was then a midshipman, on board the said frigate, and was quartered in the third division on the gun deck.

Question. Did the Little Belt commence the said action by firing the first gun, and were you looking

at her when you heard the report of the first gun which was then fired?

Answer. At the time the first gun was fired I was not looking at the Little Belt, but from the direction in which the report came, and from not then feeling any jar, I am confident the first gun was fired from her.

Question. When you heard the report of the said gun, had any gun been fired from the division in which you were quartered, or had any previous provocation been given to the commander of the Little Belt?

Answer. No gun had then been fired from the division in which I was quartered; neither had any previous provocation, to my knowledge, been given to the captain of the Little Belt.

Question. Have you seen commodore Rodgers' official letter to the secretary of the navy, bearing date, off Sandy-Hook, on the 23d day of May last, relative to the action with the Little Belt?

Answer. I have, sir.

Question. Are there any circumstances therein stated which you know to be incorrect?

Answer. Not any.

Question by commodore Rodgers. Did you hear any hail from the Little Belt, previously to commodore Rodgers' having hailed her?

Answer. I did not.

~~BREASTED~~ BARNES was produced and sworn as a witness.

Question. Were you on board the United States' frigate the President, on the night of the 16th day of May last; and was there then an action between her and his Britannic majesty's ship the Little Belt?

Answer. Yes, sir.

Question. What was your station, and where were you then quartered, on board the said frigate the President?

Answer. I was then carpenter of the said frigate, and was quartered on the gun-deck to attend the pumps.

Question. Did the Little Belt commence the said action, by firing the first gun?

Answer. Yes, sir; she fired the first gun.

Question. Were you looking at the Little Belt when she fired the first gun, and did you see the flash and hear the report of it?

Answer. I was standing forward of the main mast, looking through a port at her, when I saw the flash and heard the report of the gun which she then fired.

Question. When you saw the Little Belt fire the said gun, had any gun been previously fired from the President, or had any provocation been given to the commander of the Little Belt?

Answer. At that time the President had not fired any gun, nor had any previous provocation been given to the commander of the Little Belt, that I saw or heard.

Question. Were there any, and what damages, sustained by the said frigate the President, in her hull and spars, in the affair between her and the said ship the Little Belt, on the night of the 16th day of May, 1811?

Answer. There was not a single shot of any description that struck the hull of the President, but she received one shot in her main mast, and one in her foremast, during that affair.

John Niess, Eliphalet Carr, John Jones, James Veitch, and Trophemus Davis, were produced and sworn as witnesses.

JOHN NIESS, was examined.

Question. Were you on board the President on the night of the action between her and the Little Belt?

Answer. Yes, sir.

Question. What was your station, and where were you quartered, on board the President, at the time of the said action?

Answer. I was captain of the first gun of the first division on the gun deck.

Question. Did the Little Belt commence the said action by firing the first gun, and were you then looking at her?

Answer. She did, sir, fire the first gun; I was then looking at her out of the port, and saw the flash and heard the report of it.

ELIPHALET CARR was interrogated.

Question. Were you on board the President on the night of the action between her and the Little Belt?

Answer. Yes, sir.

Question. Where were you quartered, and what was your station, on board the President at the time of the said action?

Answer. I was captain of, and quartered at gun No. 2, in the first division on the gun deck.

Question. Did the Little Belt commence the action by firing the first gun, and were you then looking at her?

Answer. She fired the first gun. I was then looking at her, and saw the flash and heard the report of it?

JOHN JONES was examined.

Question. Were you on board the United States frigate the President, on the night of the action between her and the Little Belt?

Answer. Yes, sir.

Question. At what gun were you then quartered, and what was your station at the gun?

Answer. I was quartered at gun No. 3, of the first division, on the gun deck, and was sail trimmer.

Question. Are the persons now on board the President who, at the time of the said action, were first and second captains of gun No. 3 of the first division?

Answer. They are not. Their term of service having expired, they have been discharged.

Question. Did the President or the Little Belt fire the first gun?

Answer. The Little Belt. I was looking at her out of a port, and saw the flash, and drew my head in, and heard the report of it.

JAMES VEITCH was produced and examined.

Question. Were you on board the frigate President on the night of the action between her and the ship Little Belt?

Answer. Yes, sir.

Question. What was then your station, and where were you quartered on board the said frigate?

Answer. I was captain of gun No. 4, of the first division, and was quartered at that gun.

Question. Did the President or the Little Belt fire the first gun?

Answer. The Little Belt fired first. I was then looking at her, and saw the flash and heard the report of the gun.

TROPHÉMUS DAVIS, having been sworn, was produced and examined.

Question. Were you on board the United States frigate the President, on the night of the action between her and his Britannick majesty's ship the Little Belt?

Answer. Yes, sir.

Question. What was then your station, and where were you quartered on board the said frigate?

Answer. I was then quartered at gun No. 5, of the first division on the gun deck, and was captain of the same.

Question. Did the President or the Little Belt fire the first gun?

Answer. The Little Belt. I was looking at her out of a port and saw her fire it.

John Layfield, Benjamin Brown, Edward Fitzgerald, James Cornwall and John Fitch, were produced and sworn as witnesses.

JOHN LAYFIELD, was examined.

Question. Were you on board the frigate President on the night of the action between her and the ship Little Belt?

Answer. Yes, sir.

Question. What was then your station, and where were you quartered on board the said frigate?

Answer. I was captain of, and quartered at gun No. 6, of the second division on the quarter deck.

Question. Did the President, or the Little Belt fire the first gun?

Answer. The Little Belt fired the first gun; I was looking out of a port and saw her fire it.

BENJAMIN BROWN, was called into court and examined.

Question. Were you on board the frigate President on the night of the action between her and the ship Little Belt?

Answer. Yes, sir.

Question. What was then your station, and where were you quartered on board the said frigate?

Answer. I was then quartered at gun No. 7, of the second division, on the gun deck, and was shot and wounded.

Question. Are the persons now on board the President, who, at the time of the said action, were first and second captains of gun No. 7, of the second division; if not, where are they?

Answer. They are not now aboard; the term of service of the first captain of that gun has expired, and he has been discharged, and the second captain has deserted.

Question. Did the President, or the Little Belt fire the first gun?

Answer. The Little Belt fired the first gun; I was then looking at her and saw her fire it.

EDWARD FITZGERALD, was called into court and examined as a witness.

Question. Were you on board the frigate President on the night of the action between her and the ship Little Belt?

Answer. Yes, sir.

Question. What was then your station, and where were you quartered on board the said frigate?

Answer. I was captain of, and quartered at gun No. 8, of the second division, on the gun deck.

Question. Did the President, or the Little Belt fire the first gun?

Answer. The Little Belt; I was then looking at her and saw her fire.

JAMES CORNWALL, having been sworn, was called into court and examined as a witness.

Question. Were you on board the frigate President, on the night of the action between her and the ship the Little Belt?

Answer. Yes, sir.

Question. What was then your station, and where were you quartered on board the said frigate?

Answer. I was then captain of, and quartered at, gun No. 9, of the second division, on the gun deck.

Question. Did the President, or the Little Belt fire the first gun?

Answer. The Little Belt, to the best of my knowledge; I was not then looking at her, but from the report, and not feeling any jar, I believe she fired the first shot.

JOHN FITCH, having been previously sworn, was again called into court and examined as a witness.

Question. Were you on board the frigate President on the night of the action between her and the ship the Little Belt?

Answer. Yes, sir.

Question. What was then your station, and where were you quartered on board the said frigate?

Answer. I was second captain of, and was quartered at, gun No. 10, of the second division on the gun deck.

Question. Where is the first captain of gun No. 10, of the second division?

Answer. He has deserted.

Question. Did the President, or the Little Belt fire the first gun?

Answer. I saw the Little Belt fire the first gun,

The court adjourned to meet at the same place to-morrow morning at 11 o'clock.

Wednesday, the 11th September, 1811.

The court met pursuant to adjournment.

PRESENT,

Commodore Stephen Decatur, president,

Captain Charles Stewart, } members.

Captain Isaac Chauncey, }

The proceedings of the court of yesterday were read and approved.

Richard Thompson, John Mason, James Thompson, David Lawson, and James Lee, were produced and sworn as witnesses.

RICHARD THOMPSON, was then examined.

Question. Were you on board the frigate President on the night of the action between her and the ship Little Belt?

Answer. Yes, sir.

Question. What was then your station, and where were you quartered on board the said frigate?

Answer. I was quartered at gun No. 11, in the third division, on the gun deck, and was fireman.

Question. Are the first and second captains of said gun No. 11, on board the frigate President?

Answer. The first captain of that gun is on board the said frigate, but is sick and confined to his hammock, and the second captain thereof has been discharged, his term of service having expired.

Question. Which ship fired the first gun?

Answer. The Little Belt fired the first shot; I was then looking at her out of a port and saw the flash, and heard the report of her gun, just at the moment when commodore Rodgers hailed her the second time.

JOHN MASON, having been already sworn, was called into court and interrogated.

Question. Were you on board the frigate President on the night of the action between her and the ship Little Belt?

Answer. Yes, sir.

Question. What was then your station, and where were you quartered on board the said frigate?

Answer. I was captain of gun No. 12, in the third division on the gun deck, and was quartered at that gun.

Question. Which ship fired the first gun?

Answer. The Little Belt; I had my eyes on her at the time, and saw the flash of the gun she then fired.

DAVID LAWSON was called into court and interrogated.

Question. Were you on board the frigate President on the night of the action between her and the ship Little Belt?

Answer. Yes, sir.

Question. What was then your station, and where were you quartered on board the said frigate?

Answer. I was captain of gun No. 14, of the third division on the gun deck, and was quartered at that gun.

Question. Which ship fired the first gun?

Answer. The Little Belt; I was then looking at her and saw the flash of her gun?

JAMES LEE was called into court and examined.

Question. Were you on board the frigate President on the night of the action between her and the ship Little Belt?

Answer. Yes, sir.

Question. What was then your station and where were you quartered on board the said frigate?

Answer. I was then captain of gun No. 15, of the third division on the gun deck, and was quartered at that gun.

Question. Which ship fired the first gun?

Answer. The Little Belt.

JAMES THOMPSON was called into court and interrogated.

Question. Were you on board the frigate President on the night of the action between her and the ship Little Belt?

Answer. Yes, sir.

Question. What was then your station, and where were you quartered on board the said frigate?

Answer. I was then captain of gun No. 13, of the third division on the gun-deck, and was quartered at the same.

Question. Which ship fired the first gun?

Answer. The Little Belt; at the second time the commodore hailed her, I was looking at her and saw the flash, and heard the report of her gun.

Edward Walker, Moses Dunbar, George Simmons, and John McCormick, were produced to the court and sworn as witnesses.

EDWARD WALKER was examined.

Question. Were you on board the frigate President on the night of the action between her and the ship Little Belt?

Answer. Yes, sir.

Question. What was then your station, and where were you quartered, on board the said frigate?

Answer. I was then captain of the first gun of the fourth division, on the forecastle, and was quartered at that gun.

Question. Which ship fired the first gun?

Answer. From the report of the gun that was first fired, and from not feeling any jar at that time, I am confident the Little Belt fired the first gun.

MOSÉS DUNBAR was called into court and interrogated.

Question. Were you on board the frigate President on the night of the action between her and the ship Little Belt?

Answer. Yes, sir.

Question. What was then your station, and where were you quartered on board the said frigate?

Answer. I was then second captain of the second gun of the 4th division on the forecastle, and was then quartered at the same.

Question. Is the first captain of that gun now on board the said frigate?

Answer. No, sir: his term of service having expired, he has been discharged.

Question. Which ship fired the first gun?

Answer. The Little Belt fired first: I was then looking at her out of a port, and saw the flash and heard the report of her gun.

GEORGE SIMMONS was called into court and interrogated.

Question. Were you on board the frigate President on the night of the action between her and the ship Little Belt?

Answer. Yes, sir.

Question. What was then your station, and where were you quartered on board the said frigate?

Answer. I was then the second captain of the third gun of the fourth division on the forecastle, and was quartered at the same.

Question. Is the first captain of the said gun now on board the said frigate?

Answer. No, sir: he was discharged, after his term of service had expired.

Question. Which ship fired the first gun?

Answer. The Little Belt fired first: I was then

looking at her, and saw the flash and heard the report of her gun.

JOHN McCORMICK was called into court and examined.

Question. Were you on board the frigate President on the night of the action between her and the ship Little Belt?

Answer. Yes, sir.

Question. What was then your station, and where were you quartered on board the said frigate?

Answer. I was then second captain of the fourth gun of the 4th division on the forecastle, and was quartered at the same.

Question. Is the first captain of that gun now on board the President?

Answer. He is not. His term of service having expired, he has been discharged.

Question. Which ship fired the first gun?

Answer. The Little Belt. I was then looking at her out of a port, when I saw the flash and heard the report of her gun.

William Campbell, Thomas Taylor, Philip Warner, Samuel Brown, Richard Goffol, Edward Patterson, John Anderson and James Welch, were produced to the court and sworn as witnesses.

WILLIAM CAMPBELL, was examined.

Question. Were you on board the frigate President, on the night of the action between her and the ship Little Belt?

Answer. Yes, sir.

Question. What was then your station and where were you quartered on board the said frigate?

Answer. I was then captain of the first gun of the 4th division on the quarter deck, and was then quartered at it.

Question. Which ship fired the first gun?

Answer. The Little Belt. I was then looking at her and saw her fire it.

THOMAS TAYLOR was called into court and examined.

Question. Were you on board the frigate President, on the night of the action between her and the ship the Little Belt?

Answer. Yes, sir.

Question. What was then your station and where were you quartered on board the said frigate?

Answer. I was captain of the second gun of the fourth division on the quarter-deck, and was then quartered at it.

Question. Which ship fired the first gun?

Answer. The Little Belt fired the first gun, five or six seconds before the President fired: I was then looking steadily at her, and saw the flash and heard the report of her gun.

PHILIP WARNER was called into court and examined.

Question. Were you on board the President on the night of the action between her and the Little Belt?

Answer. Yes, sir.

Question. What was then your station, and where were you quartered on board the President?

Answer. I was captain of the third gun of the fourth division on the quarter deck, and was then quartered on the same.

Question. Which ship fired the first gun?

Answer. The Little Belt. I was then looking through a port at her, and saw the flash and heard the report of her gun.

SAMUEL BROWN was called into court and examined.

Question. Were you on board the frigate Presi-

dent on the night of the action between her and the ship Little Belt?

Answer. Yes, sir.

Question. What was then your station, and where were you quartered on board the said frigate?

Answer. I was second captain of the 4th gun of the fourth division on the quarter deck, and was then quartered at it.

Question. Is the first captain of that gun on board the President?

Answer. No, sir. He was discharged after his term of service had expired.

Question. Which ship fired the first gun?

Answer. The Little Belt. I was then looking at her, and saw the flash and heard the report of her gun.

RICHARD COFFOL was called into court and interrogated.

Question. Were you on board the frigate President on the night of the action between her and the ship Little Belt?

Answer. Yes, sir.

Question. What was your station and where were you then quartered on board the said frigate?

Answer. I was second captain of the fifth gun, of the fourth division on the quarter deck, and was then quartered at that gun.

Question. Is the first captain of that gun now on board the President?

Answer. No, sir, he was discharged after his term of service had expired.

Question. Which ship fired the first gun?

Answer. The Little Belt; I was then looking at her out of a port, and saw the flash, and heard the report of her gun as much as three or four seconds before the President returned it.

EDWARD PATTERSON was called into court and interrogated.

Question. Were you on board the frigate President on the night of the action between her and the ship the Little Belt?

Answer. Yes, sir.

Question. What was your station, and where were you then quartered, on board the said frigate?

Answer. I was then captain of the sixth gun, of the fourth division on the quarter deck, and was quartered at the same.

Question. Which ship fired the first gun?

Answer. The Little Belt fired the first gun; I was then looking at her, and saw the flash and heard the report of it.

JOHN ANDERSON was called into court and examined.

Question. Were you on board the frigate President, on the night of the action between her and the ship the Little Belt?

Answer. Yes, sir.

Question. What was your station, and where were you then quartered, on board the said frigate?

Answer. I was then captain of the seventh gun, of the fourth division on the quarter deck, and was quartered at that gun.

Question. Which ship fired the first gun?

Answer. The Little Belt fired the first gun; I saw two flashes from her at the time, and heard the report of her gun.

JAMES WELCH was called into court and interrogated.

Question. Were you on board the frigate President on the night of the action between her and the ship Little Belt?

Answer. Yes, I was, sir.

Question. What was your station and where were you then quartered on board the said frigate?

Answer. I was captain of the eighth gun, of the fourth division on the quarter deck, and was then quartered at the same.

Question. Which ship fired the first gun?

Answer. The Little Belt fired first; I was then looking at her, and saw the flash, and heard the report of her gun, three or four seconds before any gun was fired from the President.

LIEUTENANT JOHN ORDE CREIGHTON was called into court and again examined.

Question by commodore Rodgers. When the Little Belt's fire was silenced a second time, ought she to have been kept away, or brought too, to have brought her guns to bear upon the President?

Answer. At the time the Little Belt's fire was silenced a second time, her broadside was bearing on the President; as the Little Belt dropped astern of the President she luffed up, but she should then have been kept away, to have brought her guns to bear upon the President.

Question by commodore Rodgers. At the time the Little Belt's guns were finally silenced, with the sail she had set at that time, had her rudder been free, could she have been kept away so as to have brought her guns to bear upon the President, had the commander of the Little Belt been so disposed?

Answer. At that time had the rudder of the Little Belt been free, she could have been kept away so as to have brought her guns to bear upon the President.

Question by the same. When the Little Belt's fire was finally silenced, what do you suppose were commodore Rodgers' motives for giving orders so instantaneously to stop the President's fire?

Answer. My opinion was that the commodore's orders proceeded from motives of humanity.

JACOB MULL was called into court and again examined.

Question by commodore Rodgers. When the Little Belt's fire was finally silenced, what do you suppose were commodore Rodgers' motives for giving orders so instantaneously to stop the President's fire?

Answer. I suppose the commodore's orders proceeded from motives of humanity.

ALEXANDER JAMES DALLAS was called into court and again examined.

Question by commodore Rodgers. You have stated in your evidence that you heard two reports when you saw the Little Belt fire the first gun; what, in your opinion, did the said reports proceed from?

Answer. The one was the report of the gun from the Little Belt, and the other, I suppose, proceeded from the striking of the shot.

The court adjourned to meet at the same place, to-morrow morning at 11 o'clock.

Thursday, the 12th September, 1811.

The court met pursuant to adjournment.

PRESENT,

Commodore Stephen Decatur, president,

Captain Charles Stewart, } members.
Captain Isaac Chauncey, }

The proceedings of the court of yesterday were read and approved.

SILAS H. SHINGHAM, a midshipman on board the President on the night of the action between her and the Little Belt, was sworn as a witness, and interrogated.

Question. Were you on board the United States' frigate the President, on the night of the action between her and his Britannic majesty's ship the Little Belt?

Answer. Yes, sir.

Question. What was then your station on board the said frigate?

Answer. I was a midshipman on board of her.

Question. Which ship fired the first gun?

Answer. The Little Belt fired the first gun; I was then standing along side of the commodore, looking at her, and saw the flash and heard the report of her gun.

JAMES H. LUDLOW was produced and sworn as a witness.

Question. Were you on board the United States' frigate the President, on the night of the action between her and his Britannic majesty's ship the Little Belt?

Answer. Yes, sir.

Question. What was then your station on board the said frigate?

Answer. I was a midshipman on board of her.

Question. Which ship fired the first gun?

Answer. The Little Belt; I was then standing on a shot box, along side of the commodore, looking at her, and saw the flash and heard the report of her gun.

DAVID GELSTON INGRAHAM was produced and sworn as a witness.

Question. Were you on board the United States'

frigate the President, on the night of the action between her and his Britannic majesty's ship the Little Belt?

Answer. Yes, sir.

Question. What was then your station on board the said frigate?

Answer. I was a midshipman on board of her.

Question. Which ship fired the first gun?

Answer. The Little Belt. I was standing in the starboard gangway looking at her, and saw the flash and heard the report of her gun, before I heard the report of a gun from the President.

LIEUT. JOHN ORDE CREIGHTON, was called into court and again examined.

Question. When you boarded the ship Little Belt, the morning after the action, did you offer, by order of commodore Rodgers, assistance to the commander of the Little Belt?

Answer. Yes, sir.

LIEUT. RAYMOND H. J. PERRY, was called into court and again examined.

Question. At what hour on the day of the action between the United States' frigate, the President, and his Britannic majesty's ship, the Little Belt, were the colours of the former hoisted, and how long were they kept flying?

Answer. The colours of the said frigate President were hoisted about a quarter before two p. m. on the day of the said action, and were kept flying until noon of the following day.

Mr. President, and Gentlemen of the Court,

I AVAIL myself of the present moment to express my thanks for the patient investigation of the merits of the transaction which caused its convention; and I feel perfectly convinced that the evidence adduced is amply sufficient to insure that my conduct in this affair will meet the approbation of every unprejudiced mind, as well for its general tenor as for the lenity shewn to an assumed enemy, whom I had it in my power to destroy by a single broadside more, and that too without any risk of injury to the ship under my command.

Many of the interrogatories put by myself to the witnesses, may have appeared to the court superfluous, I fear; but when it considers the odious features of the statement which has been exhibited in the newspapers, said to be captain Bingham's official statement to admiral Sawyer, (dated, his majesty's sloop Little Belt, May 21, 1811, lat. 36 53, long. 71 49 W. cape Charles bearing west, distant 48 miles), I am sure it cannot complain of the time I have taken up in proving (while I had it in my power) that unblushing representation to be palpably and wilfully false.

I should not now longer trespass on the time and patience of the court, was it not probable that the present proceedings may be published to the world, and a consequent desire that even my motive for chasing the Little Belt should be known; and this I am the more desirous of, as great pains have been taken, by a few individuals who call themselves Americans, to impose a belief that I chased with a hostile intention, not, however, because I entertain a hope of producing any change in the sentiments of men like themselves (and for the honor of my country I hope there are but few such) who are disposed to represent all the acts of their government, as well as of its

agents, in an odious light; but to undeceive not only my own countrymen, but even every liberal Englishman, who may have been deceived by this sophistry.

That I did chase the Little Belt I acknowledge; but that I did so with the intention of offering menace or insult to the British flag, I declare in the presence of my God, is without any foundation whatever; neither would the orders under which I was acting authorize such a course any more than they would have justified my submitting to an insult from a British, or any other ship of war.

Without further observation or comment than is necessarily connected with the subject, the following are therefore my reasons for having chased that ship:

On the 10th of May, being then at anchor off Annapolis, I got under weigh to proceed to my station at New York, in consequence of an order from the honorable the secretary of the navy to that effect; in which he acquainted me of his having issued this order owing to his being informed that the trade of New York had become interrupted by British and French cruizers. At this time I discovered by the newspapers that a British frigate, supposed to be the Guerriere, had, in the vicinity of Sandy Hook, and during my absence from the station, impressed out of the American brig Spitfire, bound coastwise, a young man by the name of Diggeo, an American, and apprentice to the master of the brig. On the 16th of May, at a little past meridian, being at the time in seventeen fathoms water, about fourteen or fifteen leagues to the northward and eastward of Cape Henry, and about six leagues from the land to the southward of Chengueteak, a sail was discovered to the eastward, standing towards us, under a press of canvas, which I soon made out, by the shape of her upper sails, as they became distinguishable from our deck, to be a man of war. Not having heard of any other ship of war than the before mentioned frigate being on our

coast, I concluded (and more particularly from the direction in which she was discovered) that it was her, and accordingly determined to speak her, as well because I considered it my duty to know the names and characters, if possible, of all foreign cruizers hovering on our coast, as from an impression, if it turned out to be the vessel I had conceived, that her commander, from having learned through the medium of the newspapers the sensation which the before mentioned outrage had produced throughout the United States, might be induced, if he was not totally regardless of American claims to justice, to mention that he had the young man in question on board, and would deliver him up to me; and perhaps at the same time assign some cause for such a gross violation of the sovereign rights of the American nation....at any rate, whether he was so disposed or not, if I could learn from him that the man was on board, I should have it in my power to represent the same to my government and thereby be the means of more readily effecting his emancipation from vassalage, and the cruel necessity of fighting the battles of the very country whose officer had thus unlawfully enslaved him: and in doing this, I considered I was doing no more than a duty imposed on me by my situation, consequently I felt regardless if in accomplishing it, a further attempt should be made to insult my country by offering violence to the flag flying over my head: as I was then, am now, and ever shall be prepared to repel any such insult or injury to the very utmost of the force under my command, and that too without regard to the consequences resulting therefrom.

These, gentlemen, were my motives for having chased the ship, which I supposed to be the frigate that impressed Diggeo, but which afterwards proved to be his Britannic majesty's ship Little Belt. But even if I had no such reason to justify my chasing, I maintain that the usage of nations, the treaty conclu-

ded in 1783 between the United States and Great Britain, as well as British precedents almost without number, gave me that right; if it be admitted that our country possesses any comparative or reciprocal rights whatever.

Although I admit I did chase the Little Belt, I nevertheless deny that her commander wished to prevent my coming up with him, otherwise he undoubtedly would not have kept away, and set his studding-sails, when he was several miles to windward of me: added to this, his conduct was unfriendly, to say the least, as he declined shewing his colors until after it was too dark to distinguish what they were, although he must have perceived, as well from the courses I steered as from my colors, (of which he undoubtedly saw the pendant) that I wished to speak him. Indeed, the several circumstances make it apparent to me, that he was ignorant of our force, and wished to protract our meeting only until after it should be dark.

(Signed)

JNO. RODGERS.

[True copy from the original on file in the office of the secretary of the navy.

CH. W. GOLDSBOROUGH,
chief clerk of the Navy Department.]

The court of inquiry, authorized and required by precept issued by the honorable the secretary of the navy of the United States, bearing date the 24th day of July, 1811, have, in conformity with the same, minutely examined into every circumstance stated in the letter of John Rodgers, esquire, bearing date off Sandy Hook, May 23d, 1811, and addressed to the honorable the secretary of the navy of the United States, relative to the affair between the United States' frigate the President and his Britannic majesty's ship the Lille

or Little Belt ; and having taken all the testimony that could in any manner or degree elucidate facts, do, in obedience to the aforesaid precept, state all the facts that have been disclosed :

First. It has been proved to the satisfaction of the court, that commodore Rodgers, on perceiving his Britannic majesty's ship the Little Belt, to be a ship of war, made every exertion to come up with her before dark.

Second. It has been proved to the satisfaction of the court, that the flag of the United States was displayed, on board the United States' frigate the President, as soon as his Britannic majesty's ship Little Belt was discovered to be a ship of war, and was kept flying until noon of the following day.

Third. It has been proved to the satisfaction of the court, that captain Bingham acknowledged that the broad pendant of the United States' frigate the President had been distinguished during the chase from his Britannic majesty's ship the Little Belt.

Fourth. It has been proved to the satisfaction of the court, that no colours were perceived flying on board of his Britannic majesty's ship the Little Belt, until she hove too, and that it was then too dark to distinguish to what nation they belonged.

Fifth. It has been proved to the satisfaction of the court, that commodore Rodgers hailed his Britannic majesty's ship the Little Belt first.

Sixth. It has been proved to the satisfaction of the court, that commodore Rodgers' hail was not satisfactorily answered.

Seventh. It has been proved to the satisfaction of the court, that his Britannic majesty's ship the Little Belt fired the first gun.

Eighth. It has been proved to the satisfaction of the court, that the first gun fired by his Britannic majesty's ship the Little Belt, was without any previous provocation or justifiable cause.

Ninth. It has been proved to the satisfaction of the court, that the shot fired from his Britannic majesty's ship the Little Belt was returned from the United States' frigate the President by a single gun.

Tenth. It has been proved to the satisfaction of the court, that the general fire was commenced by his Britannic majesty's ship the Little Belt.

Eleventh. It has been proved to the satisfaction of the court, that after the firing had continued four or five minutes, his Britannic majesty's ship the Little Belt ceased firing.

Twelfth. It has been proved to the satisfaction of the court, that after his Britannic majesty's ship the Little Belt had ceased firing, and the fire of the United States' frigate the President had, in consequence thereof, ceased, that the former ship, in about three minutes, re-commenced her fire upon the latter.

Thirteenth. It has been proved to the satisfaction of the court, that the second fire continued about five minutes, when his Britannic majesty's ship the Little Belt was totally silenced.

Fourteenth. It has been proved to the satisfaction of the court, that in both instances, when the fire of his Britannic majesty's ship the Little Belt was silenced, commodore Rodgers exerted himself to prevent further injury being done to her.

Fifteenth. It has been proved to the satisfaction of the court, that the United States' frigate the President was laying too, with lights hoisted, during the night after the affair with his Britannic majesty's ship the Little Belt.

Sixteenth. It has been proved to the satisfaction of the court, that commodore Rodgers proffered aid to the commander of his Britannic majesty's ship the Little Belt, the morning after the renounter.

Seventeenth. It has been proved to the satisfaction of the court, that in consequence of the fire from his Britannic majesty's ship the Little Belt, one boy was

wounded on board the United States' frigate the President, one shot struck her main-mast, another struck her fore-mast, and some of her rigging was cut.

Eighteenth. It has been proved to the satisfaction of the court, that the letter of commodore Rodgers, bearing date off Sandy-Hook, on the 23d day of May last, and addressed to the honorable the secretary of the navy of the United States, is a correct and true statement of the occurrences which took place between the United States' frigate the President and his Britannic majesty's ship the Little Belt.

The court adjourned, to meet to-morrow morning at Mechanic Hall, in Broadway, in the city of New-York.

Friday, the 13th of September, 1811.

The court met pursuant to adjournment.

PRESENT,

Commodore Stephen Decatur, President,

Captain Charles Stewart, }
Captain Isaac Chauncey, } members.

The proceedings of the court of yesterday were read and approved.

The court thereupon adjourned without day.

(Signed) STEPHEN DECATUR,
President.

Wm. PAULDING, JR.
Judge Advocate.

[True copy from the original, on file in the office of the Secretary of the Navy.]

CH. W. GOLDSBOROUGH,
Chief Clerk of the Navy Department.]

UNITED STATES' FRIGATE PRESIDENT,
Off Sandy Hook, May 23d, 1811.

SIR,

I have the honor to acquaint you that in obedience to your instructions of the 6th instant, I sailed from Annapolis on the 10th, but owing to head winds I did not get to sea until the 14th. On which day, off cape Henry, I supplied the ship Madison, of Baltimore, belonging to Mr. James Bias, with an anchor and cable, she being in distress on account of having lost hers, except one which was not sufficient to ride by.

On the 15th inst. cape Henry bearing west south-west, distant 50 miles, fell in with a second vessel, the brig Sussex, of New York, Neat, master, bound to Norfolk from Oronoke, in distress for provisions, which I supplied

I regret extremely being under the necessity of representing to you an event that transpired on the night of the 16th instant, between the ship under my command and his Britannic majesty's ship of war, the Little Belt, commanded by captain Bingham: the result of which has given me much pain, as well on account of the injury she sustained, as that I should have been compelled to the measure that produced it, by a vessel of her inferior force. The circumstances are as follow: On the 16th instant, at twenty-five minutes past meridian, in seventeen fathoms water, cape Henry bearing south-west, distant fourteen or fifteen leagues, a sail was discovered from our mast heads in the east, standing towards us under a press of sail. At half past one, the symmetry of her upper sails (which were at this time distinguishable from our deck) and her making signals, shewed her to be a man of war.

At forty-five minutes past one p.m. hoisted our ensign and pendant, when finding her signals not answered, she wore and stood to the southward. Being

desirous of speaking her, and of ascertaining what she was, I now made sail in chase ; and by half past three p. m. found we were coming up with her, as by this time, the upper part of her stern began to shew itself above the horizon from our deck. The wind now began and continued gradually to decrease, so as to prevent my being able to approach her sufficiently before sun set, to discover her actual force, which the position she presented during the chase, was calculated to conceal, or to judge even to what nation she belonged, as she appeared studiously to decline shewing her colours. At fifteen or twenty minutes past seven p. m. the chase took in her studding sails and soon after hauled up her courses and hauled by the wind on the starboard tack. She at the same time hoisted an ensign or flag at her mizzen peak ; but it was too dark for me to discover what nation it represented. Now, for the first time, her broadside was presented to our view, but night had so far progressed, that although her appearance indicated she was a frigate, I was unable to determine her actual force. At fifteen minutes before eight p. m. being about a mile and a half from her, the wind at the time very light, I directed captain Ludlow to take a position to windward of her and on the same tack within short speaking distance.

This however the commander of the chase appeared from his manœuvres to be anxious to prevent. As she wore, I hauled by the wind on different tacks four times successively between this period and the time of our arriving at the position which I had ordered to be taken. At fifteen or twenty minutes past eight, being a little forward of her weather beam, and distant from seventy to a hundred yards, I hailed "what ship is that ?" To this inquiry no answer was given, but I was hailed by her commander and asked "what ship is that ?" Having asked the first question, I of course considering myself entitled by the

common rules of politeness to the first answer. After a pause of fifteen or twenty seconds, I reiterated my first enquiry "what ship is that?" and before I had time to take the trumpet from my mouth, was answered by a shot that cut off one of our maintop-mast breast back stays and went into our main mast. At this instant captain Caldwell (of marines) who was standing very near to me on the gang-way, having observed, "sir, she has fired at us," caused me to pause for a moment, just as I was in the act of giving an order to fire a shot in return; and before I had time to resume the repetition of the intended order, a shot was actually fired from the second division of this ship, and was scarcely out of the gun before it was answered from our assumed enemy by three others in quick succession; and soon after the rest of his broadside and musketry. When the first shot was fired, being under an impression that it might possibly have proceeded from accident and without the orders of the commander, I had determined at the moment to fire only a single shot in return; but the immediate repetition of the previous unprovoked outrage induced me to believe that the insult was premeditated, and that from our adversary's being at the time as ignorant of our real force as I was of his, he thought this perhaps a favorable opportunity of acquiring promotion, although at the expense of violating our neutrality and insulting our flag. I accordingly with that degree of repugnance incident to feeling equally determined neither to be the aggressor, nor to suffer the flag of my country to be insulted with impunity, gave a general order to fire; the effect of which in from four to six minutes, as near as I could judge, having produced a partial silence of his guns, I gave orders to cease firing, discovering by the feeble opposition, that it must be a ship of very inferior force to what I had supposed; or that some untoward accident had happened to her. My orders in this instance

however (although they proceeded alone from motives of humanity and a determination not to spill a drop of blood unnecessarily) I had in less than four minutes some reason to regret, as he renewed his fire, of which two thirty-two pound shot cut off one of our fore shrouds and injured our foremast. It was now that I found myself under the painful necessity of giving orders for a repetition of our fire, against a force which my forbearance alone had enabled to do us any injury of moment. Our fire was accordingly renewed and continued from three to five minutes longer, when perceiving our opponent's gaff and colours down, his maintopsail yard upon the cap and his fire silenced, although it was so dark I could not discern any other particular injury we had done, or how far he was in a situation to do us further harm, I nevertheless embraced the earliest moment to stop our fire and prevent the further effusion of blood. Here a pause of half a minute or more took place, at the end of which our adversary not shewing a further disposition to fire, I hailed and again asked, "what ship is that?" and learned for the first time that it was a ship of his Britannic majesty, but owing to its blowing rather fresher than it had done, I was unable to learn her name. After having informed her commander of the name of this ship I gave orders to wear, run under his lee, and haul by the wind on the starboard tack, and heave too under topsails, and repair what little injury we had sustained in our rigging, &c. which was accordingly executed, and we continued lying too on different tacks, with a number of lights displayed, in order that our adversary might the better discern our position, and command our assistance, in case he found it necessary during the night. At day light on the 17th, he was discovered several miles to leeward, when I gave orders to bear up and run down to him under easy sail: after hailing him, I sent a boat on board with lieute-

nant Creighton, to learn the names of the ship and her commander, with directions to ascertain the damage she had sustained, and to inform her commander how much I regretted the necessity on my part, which had led to such an unhappy result ; at the same time to offer all the assistance that the ship under my command afforded, in repairing the damage his had sustained. At 9 a. m. lieut. Creighton returned with information that it was his Britannic majesty's ship the Little Belt, commanded by captain Bingham, who *in a polite manner* declined the acceptance of any assistance, saying at the same time that he had on board all the necessary requisites to repair the damages sufficiently to enable him to return to Halifax. This, however, was not the most unpleasant part of capt. Bingham's communication to lieut. Creighton, as he informed him, that in addition to the injury his ship had sustained, between twenty and thirty of his crew had been killed and wounded.

The regret that this information caused me was such, you may be sure, as a man might be expected to feel, whose greatest pride is to prove without ostentation, by every public as well as private act, that he possesses a humane and generous heart ; and with these sentiments, believe me, sir, that such a communication would cause me the most acute pain during the remainder of my life, had I not the consolation to know, that there was no alternative left me, between such a sacrifice and one which would have been still greater, namely, to have remained a passive spectator of insult to the flag of my country, whilst it was confided to my protection.

And I would have you to be convinced, sir, that however much individually I may previously have had reason to feel incensed at the repeated outrages committed on our flag by British ships of war, neither my passion nor prejudices had any agency in this affair.

To my country I am well convinced of the importance of the transaction, which has imposed upon me the necessity of making you this communication. I must, therefore, from motives of delicacy, connected with personal considerations, solicit that you will be pleased to request the President to authorize a formal inquiry to be instituted into all the circumstances, as well as into every part of my conduct connected with the same.

The injury sustained by the ship under my command is very trifling except to the fore and main mast, which I before mentioned. No person killed, and but one boy wounded.

For further particulars, I refer you to captain Caldwell, who is charged with the delivery of this communication.

I have the honor to be, &c.

(Signed)

JOHN RODGERS.

The hon. Paul Hamilton,
Secretary of the navy.

P. S. The Little Belt is a corvette, about the size of the John Adams ; but owing to her great length, her having a poop and top gallant forecastle, and room to mount three more guns of a side than she actually carries, her deep bulwark and the manner of stowing her hammocks, she has the appearance of a frigate, and would always be taken for such from the view we had of her during the chase, as we never had a sight of her broadside until it was too dark to ascertain that she only carried one tier of guns. She is by Steel's list (1809) rated at 20 guns.

(Signed)

JOHN RODGERS.

[True copy from the original on file in the office of the secretary of the navy.

CH. W. GOLDSBOROUGH,
Chief clerk of the navy department.]

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